

FEDERAL REGISTER



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TITLE 3—THE PRESIDENT PROCLAMATION 3038

ENUMERATION OF ARMS, AMMUNITION, AND IMPLEMENTS OF WAR

BY THE PRESIDENT OF THE UNITED STATES
OF AMERICA
A PROCLAMATION

WHEREAS section 12 (i) of the joint resolution of Congress approved November 4, 1939, 54 Stat. 11 (22 U. S. C. 452 (i)) provides in part as follows:

"The President is hereby authorized to proclaim upon recommendation of the [National Munitions Control] Board from time to time a list of articles which shall be considered arms, ammunition, and implements of war for the purposes of this section * * *"

WHEREAS section 13 of the said joint resolution provides, in part, that the President may exercise any power or authority conferred upon him by that resolution through any such officer or officers as he shall direct:

NOW THEREFORE, I, DWIGHT D. EISENHOWER, President of the United States of America, acting under and by virtue of the authority conferred upon me by the said joint resolution of Congress, and upon the recommendation of the National Munitions Control Board, do hereby declare and proclaim that the articles listed below and such components, parts, accessories, attachments, and related items as may be designated upon recommendation of the National Munitions Control Board in regulations issued by the Secretary of State and published in the FEDERAL REGISTER shall be considered arms, ammunition, and implements of war for the purposes of section 12 of the said joint resolution of Congress:

CATEGORY I—SMALL ARMS AND MACHINE GUNS

Rifles, carbines, revolvers, pistols, machine pistols, and machine guns using ammunition of caliber .22 or over.

CATEGORY II—ARTILLERY AND PROJECTORS

Guns, howitzers, cannon, mortars, tank destroyers, rocket launchers, military flame throwers, military smoke projectors, and recoilless rifles.

CATEGORY III—AMMUNITION

Ammunition of caliber .22 or over for the arms enumerated in Categories I and II hereof.

CATEGORY IV—BOMBS, TORPEDOES, ROCKETS, AND GUIDED MISSILES

(a) Bombs, torpedoes, grenades (including smoke grenades), smoke canisters, rockets, mines, guided missiles, depth charges, fire bombs, incendiary bombs.

(b) Apparatus and devices for the handling, control, activation, discharge, detonation, or detection of items enumerated in paragraph (a) of this category.

CATEGORY V—FIRE CONTROL EQUIPMENT AND RANGE FINDERS

Fire control, gun tracking, and infrared and other night-sighting equipment; range, position and height finders, and spotting instruments; aiming devices (electronic, gyroscopic, optic, and acoustic); bomb sights, gun sights, and periscopes for the arms, ammunition, and implements of war enumerated in this proclamation.

CATEGORY VI—TANKS AND ORDNANCE VEHICLES

Tanks, military type armed or armored vehicles, ammunition trailers, and amphibious vehicles (land vehicles capable of limited endurance in water), military half tracks, military type tank recovery vehicles, and gun carriers.

CATEGORY VII—TOXICOLOGICAL AGENTS

(a) Biological or chemical toxicological agents adapted for use in war to produce casualties or to damage crops.

(b) Equipment for the dissemination, detection, and identification of, and defense against, the items described in paragraph (a) of this category.

CATEGORY VIII—PROPELLANTS AND EXPLOSIVES

Propellants for the articles enumerated in Categories III, IV, and VII hereof; military high explosives.

CATEGORY IX—VESSELS OF WAR AND SPECIAL NAVAL EQUIPMENT

(a) Warships, amphibious warfare vessels, landing craft, mine warfare vessels, patrol vessels, auxiliary vessels, service craft, floating dry docks, and experimental types of naval ships.

(b) Equipment for the laying, detection, detonation, and sweeping of mines.

(c) Submarine nets.

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and hyperbolic grid systems such as Raydist,
Loran, and Decca.

(b) Aerial and special purpose military
cameras and specialized processing equip-
ment therefor; military photointerpretation,
stereoscopic plotting, and photogrammetry
equipment.

(c) Armor plate, armored railway trains,
military steel helmets, body armor, and flak
suits.

(d) Specialized military mobile repair shops specially designed to service military equipment.

(e) Pressurized breathing equipment and partial pressure suits for use in aircraft, anti "G" suits, military crash helmets, parachutes utilized for personnel, cargo, and deceleration purposes, and aircraft liquid oxygen converters.

(f) Military pyrotechnics including projectors therefor.

(g) Specialized military training equipment.

(h) Tear gas and equipment for the dissemination thereof.

CATEGORY XII—CLASSIFIED MATERIAL

All material not enumerated herein which is classified from the standpoint of military security.

This proclamation shall become effective on January 1, 1954, and shall on that date supersede Proclamation No. 2776 of March 28, 1948, entitled "Enumeration of Arms, Ammunition, and Implements of War"

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the City of Washington this 18th day of November in the year of our Lord nineteen hundred and [SEAL] fifty-three, and of the Independence of the United States of America the one hundred and seventy-eighth.

DWIGHT D. EISENHOWER

By the President:

JOHN FOSTER DULLES,
Secretary of State.

[F. R. Doc. 53-9967; Filed, Nov. 24, 1953; 10:02 a. m.]

RULES AND REGULATIONS

TITLE 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

DEPARTMENT OF COMMERCE

Effective upon publication in the FEDERAL REGISTER, subparagraphs (18) and (19) are added to § 6.312 (a) as set out below:

§ 6.312 Department of Commerce—
(a) Office of the Secretary. * * *

(18) One private secretary to the Deputy Assistant Secretary for Domestic Affairs.

(19) One private secretary to the Deputy Assistant Secretary for International Affairs.

(R. S. 1753, sec. 2, 22 Stat. 403; 5 U. S. C. 631, 633. E. O. 10440, March 31, 1953, 18 F. R. 1823)

UNITED STATES CIVIL SERVICE COMMISSION,

[SEAL] WM. C. HULL,
Executive Assistant.

[F. R. Doc. 53-9895; Filed, Nov. 24, 1953; 8:51 a. m.]

TITLE 7—AGRICULTURE

Chapter VII—Production and Marketing Administration (Agricultural Adjustment), Department of Agriculture

PART 711—MARKETING QUOTA REVIEW REGULATIONS

EXTENSION TO PUERTO RICO

The revision herein is for the purpose of extending the regulations in this part to Puerto Rico.

Section 711.36 is revised to read as follows:

§ 711.36 Applicability of regulations to Puerto Rico. (a) Notwithstanding any of the provisions of §§ 711.1 to 711.35 the Production and Marketing Administration Caribbean Area Committee (hereinafter referred to as the "PMA Committee") shall perform insofar as applicable the duties and assume such responsibilities and be subject to the limitations as are otherwise required of State and county committees, except as

hereinafter provided. The Director, Caribbean Area Office, Production and Marketing Administration, shall recommend members and alternates for appointment to serve on review committees and the areas of venue for such committees. Any farmer who is eligible to vote in a referendum for which a quota has been proclaimed but who did not in any respect participate in the determination of any matter relating to any marketing quota or acreage allotment for the review of which the review committee is established, shall be eligible to serve on review committees subject to the provisions of §§ 711.14 through 711.21. The clerk to the review committee shall be the PMA district supervisor of the district in which the review committee will hold its hearings.

(b) In the event of court proceedings instituted in Puerto Rico by any farmer to obtain a review of the review committee's determination, the clerk to the review committee shall immediately notify the Director, Caribbean Area Office, Production and Marketing Administration, by telephone, telegraph, or messenger, of all the pertinent facts set forth in § 711.33 (b) and the Director shall immediately send a cablegram of all the pertinent facts to the Hearing Clerk, United States Department of Agriculture, Washington, D. C.

(c) Where it is impractical or impossible to use the United States mail to serve the farmer or applicant in Puerto Rico with notice of the farm acreage allotment and marketing quota, notice of hearing, or determination of review committee, use shall be made of such other method of service as is available; however, when such other method is used the PMA Committee shall make provision for keeping an accurate record of the date and method of delivery to the farmer or applicant of such notice of farm acreage allotment and marketing quota, notice of hearing, or determination of the review committee.

(Sec. 375, 52 Stat. 66, as amended; 7 U. S. C. 1375)

Issued at Washington, D. C., this 20th day of November 1953.

[SEAL] TRUE D. MORSE,
Acting Secretary of Agriculture.

[F. R. Doc. 53-9923; Filed, Nov. 24, 1953; 8:56 a. m.]

PART 717—HOLDING OF REFERENDA ON MARKETING QUOTAS

EXTENSION TO PUERTO RICO

The amendment herein is for the purpose of extending the regulations in this part to Puerto Rico.

The regulations in this part are amended by adding a new § 717.14 to read as follows:

§ 717.14 Applicability of regulations to Puerto Rico. The Production and Marketing Administration Caribbean Area Committee (hereinafter referred to as the "PMA Committee") shall be in charge of and responsible for conducting in the Commonwealth of Puerto Rico each referendum on marketing quotas for any commodity required by the act. Insofar as applicable the PMA Committee shall perform all the duties and assume all the responsibilities otherwise required of State and county committees as provided in the regulations in this part, except that (a) the Director, Caribbean Area Office, Production and Marketing Administration, shall nominate for appointment the members and alternates to serve on community referendum committees and shall establish the boundaries of referendum communities or neighborhoods in such a manner that polling places therein will be conveniently located for the farmers eligible to vote in the referendum, and (b) following the canvass of the ballots as provided in § 717.10 the community referendum committee shall report the results of the referendum to the PMA Committee.

(Sec. 375, 52 Stat. 66, as amended; 7 U. S. C. 1375)

Issued at Washington, D. C., this 20th day of November 1953.

[SEAL] TRUE D. MORSE,
Acting Secretary of Agriculture.

[F. R. Doc. 53-9921; Filed, Nov. 24, 1953; 8:56 a. m.]

PART 721—CORN

FARM ACREAGE ALLOTMENTS FOR 1954 CROP

Sec.
721.510 Basis and purpose.
721.511 Definitions.
721.512 Extent of calculations and rule of fractions.
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721.515	Report of data for old farms.
721.516	Determination of base acreages for old farms.
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721.518	Determination of acreage allotments for all farms.
721.519	Supervision, review and approval by the State committee.
721.520	Farms divided or combined.
721.521	Right to appeal.
721.522	Applicability of §§ 721.510 to 721.522.

AUTHORITY: §§ 721.510 to 721.522 issued under sec. 375, 52 Stat. 66, as amended; 7 U. S. C. 1375. Interpret or apply secs. 301, 329, 52 Stat. 38, 52, 7 U. S. C. 1301, 1329.

§ 721.510. *Basis and purpose.* The regulations contained in §§ 721.510 to 721.522 are issued pursuant to the Agricultural Adjustment Act of 1938, as amended, and govern the establishment of 1954 farm acreage allotments for corn. The purpose of the regulations in §§ 721.510 to 721.522 is to provide the procedure for allocating the county corn acreage allotment among farms. Prior to preparing the regulations in this part, public notice (18 F. R. 6456) was given in accordance with the Administrative Procedure Act (60 Stat. 237). The data, views, and recommendations pertaining to the regulations in §§ 721.510 to 721.522, which were submitted, have been duly considered within the limits permitted by the Agricultural Adjustment Act of 1938, as amended.

§ 721.511. *Definitions.* As used in the regulations in this part and in all instructions, forms, and documents in connection therewith, the words and phrases defined in this section shall have the meanings herein assigned to them.

(a) "Act" means the Agricultural Adjustment Act of 1938 and any amendments thereto.

(b) "Secretary" means the Secretary of Agriculture of the United States, or the officer of the Department acting in his stead pursuant to delegated authority.

(c) "Director" means the Director of the Grain Branch, Production and Marketing Administration, U. S. Department of Agriculture.

(d) Committees:

(1) "Community committee" means the persons elected within a community as the community committee pursuant to the regulations governing the selection and functions of the Production and Marketing Administration county and community committees.

(2) "County committee" means the persons elected within a county as the county committee pursuant to the regulations governing the selection and functions of the Production and Marketing Administration county and community committees.

(3) "State committee" means the persons designated by the Secretary as the State committee of the Production and Marketing Administration.

(e) "Farm" means all adjacent or nearby farm or range land under the same ownership which is operated by one person, including also:

(1) Any other adjacent or nearby farm or range land which the county committee, in accordance with instructions issued by the Assistant Administrator for Production, Production and Marketing Administration, determines is operated by the same person as part of the same unit in producing range livestock or with respect to the rotation of crops, and with workstock, farm machinery, and labor substantially separate from that for any other land; and

(2) Any field-rented tract (whether operated by the same or another person) which, together with any other land included in the farm, constitutes a unit with respect to the rotation of crops.

A farm shall be regarded as located in the county or administrative area in which the principal dwelling is situated, or if there is no dwelling thereon it shall be regarded as located in the county or administrative area in which the major portion of the farm is located.

(f) "Cropland" means farmland which in 1953 was tilled or was in regular crop rotation, excluding (1) bearing orchards and vineyards (except the acreage of cropland therein) (2) plowable non-crop open pasture, and (3) any land which constitutes or will constitute if tillage is continued a wind erosion hazard to the community.

(g) "Cropland well suited for corn" means that acreage of cropland on the farm which is determined by the county committee in accordance with generally accepted local standards to be well suited to the production of corn, considering topography type of soil and drainage.

(h) "Acreage indicated by cropland" means the number of acres computed by multiplying the cropland for a farm by the ratio of historical corn acreage determined for a community or county pursuant to § 721.516 (a) to cropland for the community or county. County ratio determinations will be made subject to approval of the State committee.

(i) "Person" means an individual, partnership, association, corporation, estate, trust, or other business enterprise or legal entity and, wherever applicable, a State, political subdivision of a State, the Federal Government, or any agency thereof.

(j) "Operator" means the person who is in charge of the supervision and conduct of the farming operations on the entire farm.

(k) "New farm" means a farm on which corn will be planted in 1954 for the first time since 1950.

(l) "Old farm" means a farm on which corn was planted in one or more of the three years 1951 through 1953.

(m) "Corn acreage" means the number of acres of land on which field corn is planted alone or interplanted with other crops, excluding sweet corn unless produced for feed or silage.

(n) Corn allotments:

(1) "County allotment" means the corn acreage allotment apportioned to the county as its share of the 1954 acreage allotment for the commercial corn-producing area as determined on the basis of the acreage planted to corn during the ten calendar years, 1944-53 (plus,

in applicable years, the acreage diverted under previous agricultural adjustment and conservation programs) with adjustments for abnormal weather conditions and for trends in acreage during such period, and for the promotion of soil-conservation practices.

(2) "Farm allotment" means the corn acreage allotment determined for a farm as its share of the 1954 county allotment.

(o) "Commercial corn-producing area" means the area designated by the Secretary pursuant to section 301 (b)

(4) of the act, and includes all counties in which the average production of corn (excluding corn used for silage) during the ten calendar years, 1944-53, after adjustment for abnormal weather conditions, is 450 bushels or more per farm and 4 bushels or more for each acre of farmland in the county, and also includes any county bordering on such commercial corn-producing area which the Secretary finds is likely to produce 450 bushels or more per farm and 4 bushels or more for each acre of farmland in 1954, or in which there is a minor civil division which the Secretary finds is likely to produce 450 bushels or more per farm and 4 bushels or more for each acre of farmland in 1954.

§ 721.512. *Extent of calculations and rule of fractions.* All acreage determinations shall be rounded to whole acres. Fractional acres of fifty-one hundredths of an acre or more shall be rounded upward, and fractional acres of less than fifty-one hundredths of an acre shall be dropped.

§ 721.513. *Instructions and forms.* The Director shall cause to be prepared and issued such forms as are necessary and shall cause to be prepared such instructions as are necessary for carrying out the regulations in this part. The forms and instructions shall be approved by, and the instructions shall be issued by the Assistant Administrator for Production, Production and Marketing Administration.

§ 721.514. *Method of apportioning county allotments.* The county acreage allotment shall be apportioned to farms in the county on the basis of tillable acres, crop-rotation practices, type of soil, and topography.

§ 721.515. *Report of data for old corn farms.* The owner, operator, or any other interested person shall furnish the following information regarding the farm in which he has an interest to the county PMA office of the county in which the farm is regarded as located if corn was planted on the farm in 1951, 1952, or 1953:

(a) The names and addresses of the owner and operator.

(b) The total acreage of all land.

(c) The acreage of cropland.

(d) The acreage of corn planted in the years 1951, 1952, and 1953.

(e) The acreage of other crops and land uses.

(f) Other pertinent information requested by the county PMA office relative to operations of the farm.

§ 721.516. *Determination of base acreages for old farms.* To reflect the fac-

tors of tillable acres, crop-rotation practices, type of soil, and topography, the county committee shall determine for each farm on which there was corn acreage for any one of the years 1951, 1952, and 1953, a base acreage of corn as follows:

(a) *Historical average acreage.* There shall first be established for each farm a historical average corn acreage which shall be the average of the acreages planted to corn for 1951, 1952, 1953.

(b) *Adjusted average acreage.* The county committee shall adjust the historical average corn acreage for any farm by eliminating from the period of years used in determining the historical average acreage the acreage planted to corn in any year or years for which it definitely finds that the corn acreage was not representative of the acreage which normally would have been planted under the established crop-rotation system on the farm because such acreage was:

- (1) Abnormally low due to excessive wet weather or flood.
- (2) Abnormally low due to drought.
- (3) Abnormally high because of failure of crops other than corn.
- (4) No longer representative because of a change in operations which results in substantial change in the established crop-rotation system for the farm.
- (5) Not representative for 1954 because of a definitely established crop-rotation system being carried out on the farm.

When one or more of the years are eliminated in accordance with the provisions of subparagraphs (1) through (5) of this paragraph, the average of the years not so eliminated shall be considered as the adjusted average acreage. If all three years are eliminated the adjusted average acreage shall be zero.

(c) *Further adjustments.* The historical average acreage or the adjusted average acreage, as the case may be, may be further adjusted so as to make such acreage comparable with those acreages for other farms which are similar with respect to the type of farming operation and to the factors of tillable acreage, topography, and type of soil within the following limitations:

(1) If such acreage is unusually low, the historical average acreage or the adjusted average acreage, as the case may be, may be adjusted upward by not more than 10 percent, but not above the smaller of the acreage indicated by cropland or the cropland well suited for corn, except as provided in subparagraph (2) of this paragraph.

(2) If the adjusted average acreage under paragraph (b) of this section is zero, the adjusted average acreage may be adjusted upward, but not above the smaller of the acreage indicated by cropland or the acreage well suited for corn.

(3) If such acreage is excessively high, it may be adjusted downward by not more than 25 percent, but not below the smaller of the acreage indicated by cropland or the cropland acreage well suited for corn.

(d) *Base acreage.* (1) The base acreage for an old farm shall be the historical acreage determined under paragraph

(a) of this section as adjusted under paragraphs (b) and (c) of this section.

(2) A zero base acreage shall be established for a farm pursuant to this section only if corn will not be planted in 1954 under the crop-rotation system for the farm.

§ 721.517 *Determination of base acreages for new farms.* (a) The county committee shall determine a base acreage for use in establishing a corn acreage allotment for each eligible farm on which corn was not planted in any of the years 1951, 1952, and 1953 but for which a corn acreage allotment is requested for 1954 prior to January 15, 1954, or such earlier date established by the State committee as affording reasonable opportunity for requesting such an allotment. Each request for such an allotment shall include the following information:

(1) The acreage of all land and total cropland on the farm for which an allotment is requested.

(2) The acreage of cropland on the farm which is considered by generally accepted local standards to be well suited to the production of corn, considering topography and type of soil and drainage.

(3) The name and address of the farm owner and, if known, the name and address of the 1954 operator.

(4) Location and description of the farm.

(5) Identification and location of any other farm in which the operator will have an interest in 1954.

(6) Acreage of corn in which the operator had an interest in 1951, 1952, or 1953, and identification and location of land on which such corn was planted.

(7) Corn acreage which would be planted in 1954 under the rotation system planned for the farm.

(8) Reason for requesting a 1954 corn acreage allotment.

(9) Reason for not planting corn on the farm in 1951, 1952, and 1953.

(b) Eligibility for a new farm allotment shall be conditioned upon the following:

(1) The land for which an allotment is requested is well suited for the production of corn, and

(2) The producer establishes to the satisfaction of the county committee that:

(i) The system of farming has changed or is changing to the extent that corn will be included in such system for 1954; or

(ii) The established crop-rotation system followed on the farm will include corn for 1954.

In determining the base acreage for a new farm, the county committee shall take into consideration tillable acres, type of soil, topography, and the farming system to be followed by the operator, including the equipment and other facilities available for the production of corn under such farming system, and the extent to which the operator is dependent for his livelihood on his farming operations: *Provided*, That the base acreage determined for a new farm shall not exceed (1) the indicated acreage which would be planted in 1954 under

the rotation system planned for the farm, or (2) the acreage indicated by cropland.

§ 721.518 *Determination of acreage allotments for all farms.* The 1954 county acreage allotment, after deduction of an appropriate reserve for appeals, correction of errors, and missed farms, shall be apportioned pro rata among the farms within the county on the basis of the base acreages determined under §§ 721.516 and 721.517.

§ 721.519 *Supervision, review, and approval by the State committee.* The State committee shall be responsible for the work of the county committees in the apportionment of the county corn acreage allotments to farms, the review of all allotments, and the correction of any improper determinations made under the regulations in this part. All acreage allotments shall be approved by or on behalf of the State committee and no official notice of an acreage allotment shall be mailed until such allotment has been approved by or on behalf of the State committee.

§ 721.520 *Farms divided or combined.*

(a) The 1954 corn acreage allotment determined for a farm shall, if there is a division, be apportioned to each part on the basis of the acreage of cropland on each part, except that, if the county committee determines that this method would result in allotments not representative of the farming operations normally carried out on each part, an allotment may be determined for each part in the same manner as would have been done if such part had been a completely separate farm: *Provided*, That the sum of the allotments thus determined for each part shall not exceed the allotment originally determined for the entire farm which is being divided.

(b) If two or more farms for which the 1954 corn acreage allotments are determined will be combined and operated as a single farm in 1954, the 1954 allotment shall be the sum of the allotments determined for each of the farms comprising the combination.

§ 721.521 *Right to appeal.* Any owner, operator, landlord, tenant, or sharecropper who is dissatisfied with the acreage allotment for his farm may file an appeal for reconsideration of the allotment for his farm. The request for appeal and facts constituting a basis for such consideration must be submitted in writing and postmarked or delivered to the county committee within 15 days after the date of mailing the notice of allotment. If the applicant is dissatisfied with the decision of the county committee with respect to his appeal, he may appeal to the State committee within 15 days after the date of mailing of the notice of the decision of the county committee. If the applicant is dissatisfied with the decision of the State committee, he may, within 15 days after the date of mailing of the notice of the decision of the State committee, appeal to the Director, whose decision shall be final.

§ 721.522 *Applicability of §§ 721.510 and 721.522.* Sections 721.510 to 721.522 shall govern the establishment of the

farm acreage allotments for the 1954 crop of corn for use in connection with farm price support programs. The regulations are contingent upon the proclamation of an acreage allotment of corn for 1954 in the commercial corn-producing area by the Secretary pursuant to section 328 of the Agricultural Adjustment Act of 1938, as amended.

NOTE: The reporting requirements contained herein have been approved by, and subsequent reporting requirements will be subject to the approval of the Bureau of Budget in accordance with Federal Reports Act of 1942.

Done at Washington, D. C., this 20th day of November 1953. Witness my hand and the seal of the Department of Agriculture.

[SEAL] TRUE D. MORSE,
Acting Secretary of Agriculture.

[F. R. Doc. 53-9916; Filed, Nov. 24, 1953; 8:54 a. m.]

Chapter VIII—Production and Marketing Administration (Sugar Branch), Department of Agriculture

Subchapter B—Sugar Requirements and Quotas [Sugar Reg. 814.9, Amdt. 2]

PART 814—ALLOTMENT OF SUGAR QUOTAS PUERTO RICO, 1953

Basis and purpose. This amendment is issued under section 205 (a) of the Sugar Act of 1948, as amended (hereinafter called the "act") for the purpose of revising Sugar Regulation 814.9, as amended (18 F. R. 2493, 5053) which allots the 1953 quotas for Puerto Rico for consumption in the continental United States (including raw sugar transferred for further processing and shipment within the direct-consumption portion of such quota) and the 1953 sugar quota for local consumption in Puerto Rico among persons who process Puerto Rican sugarcane into sugar (1) to be brought into the continental United States and (2) to be marketed for local consumption in Puerto Rico.

The sugar quota for Puerto Rico for consumption in the continental United States is referred to herein as "mainland quota" and allotments thereof are referred to as "mainland allotments." The sugar quota for consumption in Puerto Rico and allotments thereof are referred to as "local quota" and "local allotments" respectively.

Revision of Sugar Regulation 814.9 is necessary (1) to give effect to Amendment 7 to Sugar Regulation 813 (18 F. R. 7159) which prorated a deficit in the 1953 quota for the domestic beet area and increased the 1953 mainland quota for Puerto Rico by 16,268 short tons, raw value, to a total of 1,117,351 short tons, raw value, and (2) to prorate to other allottees the quantities released by those who are unable to fill their allotments established in Sugar Regulation 814.9, Amendment 1.

Each allottee under § 814.9 has agreed to waive its right to a public hearing prior to the revision of the order to give

effect to any change in the mainland quota and the allotment of the quantities which allottees notify the Department that they cannot fill. The revised allotments are made on the same basis as in the initial order.

Because of the limited time remaining in the quota year to which the allotments apply, it is imperative that this amendment become effective at the earliest possible date in order to permit the continued orderly marketing of sugar. Accordingly, it is hereby found that compliance with the 30-day effective date requirement of the Administrative Procedure Act (60 Stat. 237) is impracticable and contrary to the public interest and consequently this amendment shall be effective when published in the FEDERAL REGISTER.

Pursuant to the authority vested in the Secretary of Agriculture by section 205 (a) of the act, paragraph (a) of § 814.9, as amended, is hereby further amended to read as follows:

§ 814.9 *Allotments of 1953 sugar quotas for Puerto Rico*—(a) *Allotments.* The 1953 sugar quota for Puerto Rico for consumption in the continental United States (including raw sugar to be further processed and marketed within the direct-consumption portion of such quota) amounting to 1,117,351 short tons of sugar, raw value, and the 1953 sugar quota for local consumption in Puerto Rico, amounting to 110,000 short tons of sugar, raw value, are hereby allotted to the following processors in amounts which appear in columns (1) and (2) opposite their respective names:

(Short tons, raw value)

Processor	(1) Mainland allotment	(2) Local allotment
Antonio Roig, Sucesores, S. en C.	26,961	22,196
Arturo Lluberias (estate of) y Sobrinos (San Francisco)	5,471	1,797
Asociacion Azucarera Cooperativa (Lafayette)	35,010	557
Central Aguirre Sugar Co., a trust	114,972	1,880
Central Coloso, Inc.	61,167	712
Central Eureka, Inc.	37,697	1,576
Central Guaman, Inc.	11,349	1,376
Central Igualda, Inc.	28,431	18,491
Central Juanita, Inc.	37,387	2,505
Central Mercedes, Inc.	59,170	20,054
Central Monserate, Inc.	27,032	1,163
Central San Jose, Inc.	6,998	—
Central San Vicente, Inc.	66,242	1,918
Compania Azucarera del Camuy, Inc. (Rio Llano)	14,698	66
Compania Azucarera del Toa	37,367	—
Cooperativa Azucarera Los Canos	40,522	80
Corporacion Azucarera Sauri & Subira (Constancia Ponce)	10,697	1,443
Eastern Sugar Associates, a trust	118,334	15,864
Fajardo Sugar Co.	116,326	126
Land Authority of Puerto Rico	72,079	8
Mario Mercado e Hijos (Rufina)	34,539	1,656
Mayaguez Sugar Co., Inc. (Rochel-also)	10,007	152
Plata Sugar Company, Inc.	51,508	575
Soller Sugar Company, Inc.	12,768	8
South Porto Rico Sugar Co. of Puerto Rico (Guanica)	80,699	15,804
Total quotas	1,117,351	110,000

(Sec. 403, 61 Stat. 932; 7 U. S. C. Sup., 1153. Interprets or applies sec. 205, 61 Stat. 926; 7 U. S. C. Sup. 1115)

Done at Washington, D. C., this 20th day of November 1953. Witness my

hand and the seal of the Department of Agriculture.

[SEAL] TRUE D. MORSE,
Acting Secretary of Agriculture.

[F. R. Doc. 53-9926; Filed, Nov. 24, 1953; 8:58 a. m.]

[Sugar Reg. 814.10, Amdt. 1]

PART 814—ALLOTMENT OF SUGAR QUOTAS DIRECT CONSUMPTION PORTION FOR PUERTO RICO, 1953

Basis and purpose. This amendment is issued under section 205 (a) of the Sugar Act of 1948 (7 U. S. C. Sup., 1115 (a)) for the purpose of revising Sugar Regulation 814.10 (18 F. R. 2497) to reallocate deficits in the allotments of certain allottees.

Except for a quantity of 533 short tons of sugar, raw value, set aside as an unallotted reserve for marketing of raw sugar for direct consumption, the direct-consumption portion of the 1953 sugar quota for Puerto Rico, amounting to 126,033 short tons, raw value, was allotted to five Puerto Rican refiners in Sugar Regulation 814.10. One of the allottees, the Estate of Arturo Lluberias y Sobrinos, has notified the Department in writing that it will be unable to fill its 1953 allotment by an amount of 933 short tons of sugar, raw value. The Central Aguirre Sugar Company, a trust, has notified the Department in writing that it is not in a position to ship additional direct-consumption sugar. Due to final weights and polarization tests, this allottee has 11 short tons, raw value, in Customs custody awaiting certification.

The Central Roig Refining Company has notified the Department that it will be able to ship additional direct-consumption sugar in case the over-all mainland allotments are increased. The allotments were increased in Sugar Regulation 814.9, Amendment 2 as a result of an increase of 16,268 short tons, raw value, due to the determination of an additional 80,000 ton deficit in the quota for the domestic beet sugar area in Sugar Regulation 813, Amendment 7 (18 F. R. 7159). The other two allottees have notified the Department that they will be able to fill more than their original allotments during the calendar year 1953. In order to afford interested parties an opportunity to market the full amount of that portion of the Puerto Rican sugar quota which may be filled by direct-consumption sugar, it is necessary to reallocate the quantity released.

Since section 205 (a) of the act requires that any amendment or revision of an allotment order be made on the same basis as the original allotment, the Department has asked for and obtained from each of the interested parties a waiver of its right to a public hearing in regard to the amendment made herein. A quantity equal to that released, less 11 tons, is added proportionately to the allotments of the Central Roig Re-

* See F. R. Doc. 53-9926, supra.

fining Company, the Porto Rican American Refinery, Inc., and the Western Sugar Refining Company. The 11 tons are added to the allotment of Central Aguirre Sugar Company, a trust, to permit the entry of the quantity now in Custom's custody.

In order to afford interested parties adequate opportunity to ship the additional sugar allotted herein, and to protect the interest of consumers of sugar, it is essential that the revised allotments be made effective as soon as possible. Accordingly, it is hereby found that compliance with the effective date requirement of the Administrative Procedure Act (60 Stat. 237) is impracticable and contrary to the public interest and this amendment shall become effective on the date of its publication in the **FEDERAL REGISTER**.

Pursuant to the authority vested in the Secretary of Agriculture by section 205 (a) of the Sugar Act of 1948, paragraph (a) of § 814.10 is hereby amended to read as follows:

§ 814.10 *Allotment of the direct-consumption portion of 1953 sugar quota for Puerto Rico—(a) Allotments.* The direct-consumption portion of the 1953 sugar quota for Puerto Rico (126,033 short tons, raw value) is hereby allotted as follows:

Refiner	Direct-consumption allotment (short tons, raw value)
Arturo Lluberias, Estate of, y So-brinos	269
Central Aguirre Sugar Co., a trust	5,927
Central Rolig Refining Co.	20,016
Porto Rican American Refinery, Inc.	79,501
Western Sugar Refining Company	19,787
Total	125,500
Unallotted Reserve for marketing of raw sugar for direct consumption	533
	126,033

(Sec. 205, 61 Stat. 926; 7 U. S. C. Sup. 1115)

Done at Washington, D. C., this 20th day of November 1953. Witness my hand and the seal of the Department of Agriculture.

[SEAL] TRUE D. MORSE,
Acting Secretary of Agriculture.

[F. R. Doc. 53-9925; Filed, Nov. 24, 1953; 8:58 a. m.]

TITLE 9—ANIMALS AND ANIMAL PRODUCTS

Chapter I—Bureau of Animal Industry, Department of Agriculture

Subchapter C—Interstate Transportation of Animals and Poultry

[E. A. I. Order 383, Revised, Amdt. 13]

PART 76—HOG CHOLERA, SWINE PLAGUE, AND OTHER COMMUNICABLE SWINE DISEASES

SUBPART B—VESICULAR EXANTHEMA

DESIGNATION OF AREAS IN WHICH SWINE ARE AFFECTED WITH VESICULAR EXANTHEMA

Pursuant to the authority conferred upon the Administrator of the Agricultural Research Administration by § 76.27

of Subpart B, as amended, Part 76, Title 9, Code of Federal Regulations (18 F. R. 3637) § 76.27a of said Subpart B (18 F. R. 3829, as amended) is hereby amended to read as follows:

§ 76.27a *Designation of areas in which swine are affected with vesicular exanthema.* The following areas are hereby designated as areas in which swine are affected with vesicular exanthema:

The State of California;
The Town of Manchester in Hartford County, in Connecticut;
Androscoggin, Cumberland, Kennebec, and York Counties, in Maine;

That area consisting of Hampden, Worcester, Middlesex, Essex, Suffolk, Norfolk, Bristol and Plymouth Counties, in Massachusetts;
Bergen, Hudson, Hunterdon, and Morris Counties, that area consisting of Union, Middlesex, Monmouth, Ocean, Burlington, Camden, Gloucester, and Atlantic Counties, that area in Lower Township in Cape May County lying east of U. S. Highway No. 9, and that area in Dennis Township in Cape May County bounded by the Belleplain State Forest on the south and east and State Highway No. 550 on the north and west and State Highway Spur No. 550 on the west, in New Jersey;

Poughkeepsie Township, in Dutchess County, and that area in Clarkstown Township lying north of New York State Route No. 59, in Rockland County, in New York;
Bucks and Delaware Counties, in Pennsylvania;

Anderson, Calhoun, Charleston, Greenwood and Orangeburg Counties, in South Carolina;

That area in Atascosa County lying west of State Highway No. 348 and north of State Highway No. 173, and that area in Bell County lying north of U. S. Highway No. 190 and west of State Highways No. 36 and No. 317, in Texas.

Effective date. The foregoing amendment shall become effective upon issuance.

Section 76.27 of Subpart B, as amended, Part 76, Title 9, Code of Federal Regulations (18 F. R. 3637) quarantines the areas so designated.

The amendment designates the following as areas in which swine are affected with vesicular exanthema in addition to the areas heretofore designated:

Anderson, Calhoun, Greenwood and Orangeburg Counties, in South Carolina.

Hereafter, the restrictions pertaining to the interstate movement of swine and carcasses, parts and offal of swine from or through quarantined areas contained in 9 CFR, Part 76, Subpart B, as amended (18 F. R. 3636, as amended) apply to these areas.

The effect of the amendment is to impose certain further restrictions necessary to prevent the spread of vesicular exanthema, a contagious, infectious, and communicable disease of swine, and the amendment must be made effective immediately to accomplish its purpose in the public interest. Accordingly, under section 4 of the Administrative Procedure Act (5 U. S. C. 1003), it is found upon good cause that notice and other public procedure with respect to the amendment are impracticable and contrary to the public interest and good cause is found for making it effective less than 30 days after publication in the **FEDERAL REGISTER**.

(Sec. 2, 32 Stat. 792, as amended; 21 U. S. C. 111. Interpret or apply secs. 4, 5, 23 Stat. 32, sec. 1, 32 Stat. 791; 21 U. S. C. 120)

Done at Washington, D. C., this 19th day of November 1953.

[SEAL] M. R. CLARKSON,
Acting Administrator, Agricultural Research Administration.

[P. R. Doc. 53-9919; Filed, Nov. 24, 1953; 8:55 a. m.]

TITLE 38—PENSIONS, BONUSES, AND VETERANS' RELIEF

Chapter I—Veterans' Administration

PART 3—VETERANS CLAIMS

PART 4—DEPENDENTS AND BENEFICIARIES CLAIMS

PRESUMPTIVE SERVICE-CONNECTION FOR ACTIVE NONPULMONARY TUBERCULOSIS

1. In Part 3, a new § 3.1517 is added as follows:

§ 3.1517 *Presumption of service-connection for active nonpulmonary tuberculosis under paragraph 1 (c) Part I, Veterans Regulation 1 (a) (38 U. S. C. ch. 12)—(a) Presumption of service-connection for active nonpulmonary tuberculosis.* Under the provisions of paragraph 1 (c) Part I, Veterans Regulation 1 (a), as amended by Public Law 241, 83d Congress, active nonpulmonary tuberculosis developing to a 10 percent degree of disability or more within 3 years from date of separation from active wartime service, or where service began prior to January 1, 1947, and extended thereafter, within 3 years from July 25, 1947, or where there was service on or after June 27, 1950, within 3 years from separation from active service or from the termination date prescribed by Public Law 28, 82d Congress, whichever is the earlier, will be considered as having been incurred in service when the conditions of paragraph 1 (c) Part I, Veterans Regulation No. 1 (a), as amended, are met.

(b) *Effective dates of evaluations and awards.* The effective dates of evaluations and awards, in both original claims and the claims reviewed, will be in accordance with the provisions of controlling VA regulations provided that in no event will benefits under Public Law 241, 83d Congress, be awarded prior to the date of enactment thereof. In the case of a claim wherein service-connection was previously denied for nonpulmonary tuberculosis on the date of the passage of Public Law 241, 83d Congress, reviewed under this section either on motion of the Veterans' Administration, or upon receipt of request from the veteran or his representative, or where a claim is in a pending or appellate status on the date mentioned, and entitlement to benefits is shown, the effective date of the evaluation and award will be the date of Public Law 241, 83d Congress, August 8, 1953. (Instruction 1, Public Law 241, 83d Congress.)

2. In Part 4, a new § 4.458 is added as follows:

§ 4.458 *Review of death compensation and pension claims to determine presumptive service-connection for active tuberculosis other than pulmonary type*—(a) *Effective date of awards.* Where entitlement arises solely by virtue of the provisions of Public Law 241, 83d Congress, the effective date of awards will be the day following the date of the veteran's death, if claim was filed within 1 year after the date of the veteran's death, otherwise the date of filing claim, but in no event prior to August 8, 1953: *Provided, however* That as to claims reviewed under this section the effective date of the award will be August 8, 1953. In those cases in which death pension is being paid to a widow, child or children, the provisions of § 4.52 are not controlling; the change from the payment of death pension to the payment of death compensation will be effective August 8, 1953. (Instruction 2, Public Law 241, 83d Congress.)

(Sec. 5, 43 Stat. 608, as amended, sec. 2, 46 Stat. 1016, sec. 7, 48 Stat. 9; 38 U. S. C. 11a, 426, 707)

This regulation is effective November 25, 1953.

[SEAL]

H. V. STIRLING,
Deputy Administrator

[F. R. Doc. 53-9896; Filed, Nov. 24, 1953;
8:51 a. m.]

TITLE 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

[Docket No. 10684]

PART 7—STATIONS ON LAND IN THE MARITIME SERVICE

PART 8—STATIONS ON SHIPBOARD IN THE MARITIME SERVICE

EXTENSION OF TIME TO COMPLY WITH CERTAIN PROVISIONS

In the matter of amendment of Parts 7 and 8 of the Commission's rules to provide extension of time in which to comply with §§ 7.104 (b) 7.189 (c) and 8.106 (c), Docket No. 10684.

1. In response to a request by the American Telephone and Telegraph Company and in accordance with the requirements of section 4 (a) of the Administrative Procedures Act, notice of proposed rule making in the above-entitled matter was published in the FEDERAL REGISTER on September 17, 1953 (18 F. R. 5573). The period for the filing of comments has now expired.

2. The only comments submitted were those of the Lake Carriers' Association, an organization of ship owners operating vessels on the Great Lakes. In essence, the Lake Carriers proposed an extension of time to meet the applicable requirements of §§ 7.104, 7.189 and 8.106 (c) of the rules for two and one-half months (until March 15, 1954) instead of 6 months (July 1, 1954) as was proposed by the Commission.

3. However, the equipment and watch-keeping requirements of §§ 7.104 and 7.189 as they pertain to the frequency 2182 kc in the Great Lakes area have

been in force for over a year, and the proposed rule-making did not propose to modify those requirements. With respect to these requirements as they pertain to the frequency 156.8 Mc in the same area, all Great Lakes coast stations subject to the requirements and not yet licensed for 156.8 Mc, obtained construction permits some time ago and it appears likely that they will be equipped, licensed and keep watch on the frequency 156.8 Mc well before such action becomes mandatory by rule as finalized herein.

4. Insofar as § 8.106 (c) relating to provision for specified multi-channel operation of VHF public ship stations, the proposed extension of time was pertinent only to those stations which were licensed subsequent to January 1, 1952. Stations licensed prior to that date are permitted under a special proviso (not the subject of this rule-making and to which no objection was made) to operate with existing equipment until January 1, 1955. Commission license records indicate that in the Great Lakes area all VHF public ship stations either have multi-channel equipment or are licensed to operate with existing equipment until January 1, 1955. In any event, in view of the statement of specific efforts to meet the involved equipment requirement and the difficulties stated to have been encountered; the relatively minor difference between the proposed extension period and that suggested by the Lake Carriers' Association; and the undesirability of possible interruption of public ship-shore VHF radio-telephone service, it is believed that a deferment period until July 1, 1954 rather than March 15, 1954 is reasonable.

5. In view of the foregoing, it is concluded that the public interest would be served by the finalization of the rules amendments as proposed. Therefore, it is ordered, that effective January 1, 1954, and pursuant to sections 303 (b) (c) (f) and (r) of the Communications Act of 1934, as amended, Parts 7 and 8 of the Commission's rules are amended as set forth below.

(Sec. 303, 48 Stat. 1082, as amended; 47 U. S. C. 303)

Adopted: November 18, 1953.

Released: November 20, 1953.

FEDERAL COMMUNICATIONS
COMMISSION,

[SEAL] WM. P. MASSING,
Acting Secretary.

1. Section 7.104 (b) (1) and (2) is amended by substituting in each subparagraph (1) and (2) the date July 1, 1954, for the date January 1, 1954.

2. Section 7.189 (c) (1) and (2) is amended by substituting in each subparagraph (1) and (2) the date July 1, 1954, for the date January 1, 1954.

3. Section 8.106 (c) is amended to read as follows:

§ 8.106 *Required radio channels for telephony.* * * *

(c) Effective on and after January 1, 1954, each limited ship station, and each marine-utility station when used on board ship (except an experimental or developmental station) which is li-

censed to transmit by telephony on any radio-channel within the frequency band 156.25 Mc to 157.05 Mc, and effective July 1, 1954, each public ship station (except an experimental or developmental station) which is licensed to transmit on the radio-channel of which the assigned frequency is 157.3 Mc or 157.4 Mc, shall be capable of transmitting and receiving (and shall be licensed to transmit) class F3 emission on the radio-channel of which the authorized carrier frequencies are 156.3 Mc and 156.8 Mc and, in the case of limited ship or marine-utility stations, on at least one radio-channel in this frequency band which is authorized for communication with a coast station or stations; provided, that each ship station licensed prior to January 1, 1952, to use less than three radio-channels for telephony within this band under authority of an experimental or developmental station license, need not comply with this requirement, when authorized to use the same transmitting equipment under regular class of ship station license, until on and after January 1, 1955; provided further, that this requirement shall not apply to marine-utility stations or other stations of portable nature which are not capable of a plate input power in excess of three watts and are not capable of being readily adjusted for operation on more than one radio-channel. The requirement of this paragraph, in respect to basic type of equipment, may be satisfied by the provision of (1) multi-channel equipment, or (2) a plurality of single channel equipments, or (3) a combination thereof, at the option of the station licensee or the applicant for station license.

[F. R. Doc. 53-9909; Filed, Nov. 24, 1953;
8:53 a. m.]

TITLE 49—TRANSPORTATION

Chapter I—Interstate Commerce Commission

PART 24—UNIFORM SYSTEM OF ACCOUNTS FOR PERSONS FURNISHING CARS OR PROTECTIVE SERVICES AGAINST HEAT AND COLD

MISCELLANEOUS ACCOUNTS PAYABLE; ACCRUED TAX LIABILITY

At a session of the Interstate Commerce Commission, Division 1, held at its office in Washington, D. C., on the 18th day of November 1953.

The matter of modifying the "Uniform System of Accounts for Persons Furnishing Cars or Protective Service Against Heat or Cold," being under consideration pursuant to the provisions of section 20 (6) of the Interstate Commerce Act, as amended, and the modifications which are set forth below and made a part hereof being deemed necessary for proper administration of Part I of the act (54 Stat. 917, 49 U. S. C. 20 (6)) It is ordered, That:

(1) Any interested party may on or before December 21, 1953, file with the Commission a written statement of reasons why the said modification should not become effective as hereinafter ordered and may request oral argument if desired.

(2) Unless otherwise ordered upon consideration of such objections the said modifications shall become effective January 1, 1954.

(3) A copy of this order including the modifications set forth below shall be served upon every person of record which furnishes cars or protective service against heat or cold to or on behalf of any carrier by railroad or express company, and notice of this order shall be given to the general public by depositing a copy thereof in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director of the Division of the Federal Register.

By the Commission, Division 1.

[SEAL] — GEORGE W. LAIRD,
Secretary.

1. In § 24.862 *Miscellaneous accounts payable*, cancel the text without change in the title or note thereto, and substitute the following for it: "This account shall include the amount of drafts outstanding, of taxes withheld from employees and others for the account of taxing agencies, and of other items in the nature of demand liabilities not covered by § 24.860, § 24.861, § 24.863, or § 24.864."

2. In § 24.868, cancel the text and the note thereto, substituting the following for them:

§ 24.868 *Accrued tax liability.* (a) This account shall be credited with the accruals of all taxes which have been concurrently charged to the appropriate income or other accounts for taxes. Such accruals may be based upon estimates, provided such estimates shall be

adjusted so as to reflect in this account at all times the carrier's estimate of its unpaid liability for each of the several classes of taxes which have not been finally settled.

(b) Vouchers for the current payment of taxes, including taxes for which accruals have not been made previously, shall be charged to this account. Taxes paid in advance shall also be charged to this account.

(c) The records supporting the entries in this account shall be kept to show separately by classes of taxes the amount of the tax accruals for the current year and adjustments of accruals for prior years.

(Sec. 12, 24 Stat. 383, as amended; 49 U. S. C. 12)

[F. R. Doc. 53-9891; Filed, Nov. 24, 1953; 8:52 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Production and Marketing Administration

[7 CFR Part 903]

[Docket No. AO 10-A18]

HANDLING OF MILK IN ST. LOUIS, MISSOURI, MARKETING AREA

DECISION WITH RESPECT TO PROPOSED AMENDMENT TO TENTATIVE MARKETING AGREEMENT AND TO ORDER, AS AMENDED

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.) and the applicable rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and marketing orders (7 CFR Part 900) a public hearing was conducted at St. Louis, Missouri, on October 12-13, 1953, pursuant to notices thereof which were issued on October 7, 1953 (18 F. R. 6384) and October 8, 1953 (18 F. R. 6409) upon proposed amendments to the tentative marketing agreement and to the order, as amended, regulating the handling of milk in the St. Louis, Missouri, marketing area.

By an emergency action of the Assistant Secretary of Agriculture taken on October 26, 1953 (18 F. R. 6825) decision has been made with respect to the Class I pricing provisions for the period through June 1954. Said decision reserved for later determination the remaining issues contained in the hearing record.

Upon the basis of the evidence introduced at the hearing and the record thereof, the Assistant Administrator, Production and Marketing Administration, on October 28, 1953, filed with the Hearing Clerk, United States Department of Agriculture, his recommended decision pertaining to the remaining material issues. Said decision containing notice of opportunity to file written exceptions thereto was published in the *FEDERAL REGISTER* on November 3, 1953 (18 F. R. 6943).

Within the period reserved therefor, interested parties filed exceptions to certain of the findings, conclusions and actions recommended by the Assistant Administrator. In arriving at the findings, conclusions, and regulatory provisions of this decision, each of such exceptions was carefully and fully considered in conjunction with the record evidence pertaining thereto. To the extent that findings, conclusions and actions decided upon herein are at variance with any of the exceptions, such exceptions are overruled.

To the extent that suggested findings and conclusions proposed by interested persons are inconsistent with the findings and conclusions contained herein, the specific or implied requests to make such findings and reach such conclusions are denied on the basis of the facts found and stated in connection with the conclusions herein set forth.

The material issues, findings and conclusions, and general findings of the recommended decision (18 F. R. 6943, Doc. 53-9248) are hereby approved and adopted as the issues, findings and conclusions, and general findings of this decision as if set forth in full herein, subject to the following modifications described with reference to Federal Register Doc. 53-9248, 18 F. R. 6943:

1. Before the paragraph in column 3, page 6943, which begins with the letter (b) insert the following:

It is necessary to amend § 903.52 to avoid changing the method now used in determining whether approved milk moved between pool plants shall be Class I for purposes of calculating the location differential. This calculation now provided in § 903.52 makes reference to and is dependent upon the calculations of § 903.45 (a) and (b). Therefore, any change in the latter may automatically result in a change in the former. Amendment No. 6 in the attached order is designed to avoid unintended changes in § 903.52.

2. Insert after the first paragraph in column 2, page 6944 the following:

Bulk milk for purposes of these calculations shall be considered as whole milk which has not been processed or standardized in any way, and which is either shipped or received in large unit containers of more than 100-gallon capacity, such as are commonly transported by truck. Milk shipped in 10-gallon cans would not qualify as bulk milk.

Determination of representative period. The month of September-1953 is hereby determined to be the representative period for the purpose of ascertaining whether the issuance of the order, as amended, and as hereby proposed to be further amended, regulating the handling of milk in the St. Louis, Missouri, marketing area is approved or favored by producers who during such period were engaged in the production of milk for sale in the marketing area specified in such marketing order, as amended.

Marketing agreement and order as amended. Annexed hereto and made a part hereof are two documents entitled respectively, "Marketing Agreement Regulating the Handling of Milk in the St. Louis, Missouri, Marketing Area," and "Order Amending the Order, as Amended, Regulating the Handling of Milk in the St. Louis, Missouri, Marketing Area," which have been decided upon as the detailed and appropriate means of effectuating the foregoing conclusions. These documents shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and orders have been met.

It is hereby ordered that all of this decision, except the attached marketing agreement, be published in the *FEDERAL REGISTER*. The regulatory provisions of said marketing agreement are identical with those contained in the order, as amended, and as hereby proposed to be further amended by the attached order which will be published with this decision.

This decision filed at Washington, D. C., this 20th day of November 1953.

[SEAL] TRUE D. MORSE,
Acting Secretary of Agriculture.

Order¹ Amending the Order, as Amended, Regulating the Handling of Milk in the St. Louis, Missouri, Marketing Area

§ 903.0 *Findings and determinations.* The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order, and of the previously issued amendments thereto and all said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.) and the applicable rules of practice and procedure, as amended, governing the formulation of marketing agreements and marketing orders (7 CFR Part 900) a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order, as amended, regulating the handling of milk in the St. Louis, Missouri, marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order, as amended, and as hereby further amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(2) The parity prices of milk as determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds and other economic conditions which affect market supply of and demand for milk in the said marketing area, and the minimum prices specified in the order, as amended, and as hereby further amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk and be in the public interest; and

(3) The said order, as amended, and as hereby further amended, regulates the handling of milk in the same manner as and is applicable only to persons in the respective classes of industrial and commercial activity specified in a marketing agreement upon which a hearing has been held.

Order relative to handling. It is therefore ordered that on and after the effective date hereof the handling of milk in the St. Louis, Missouri, marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as amended, and as hereby further amended as follows:

¹This order shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and orders have been met.

1. Delete § 903.87 (b) and substitute therefor the following:

(b) Received at a pool plant as Grade A other source milk (except milk subject to the Class I pricing provisions of another order issued pursuant to the act) and allocated to Class I, or

2. Delete § 903.45 (a) (4) and substitute therefor the following:

(4) Subtract from the pounds of skim milk remaining in Class II milk an amount equal to such remainder, or the product obtained by multiplying by 0.05 the pounds of skim milk in approved milk received at plants qualified pursuant to § 903.10 (a) from (i) producers and (ii) plants qualified pursuant to § 903.10 (b) or (c) whichever is less;

3. Delete § 903.41 (b) (3) and substitute therefor the following:

(3) In shrinkage not to exceed an amount calculated (except with respect to milk diverted to a non-pool plant pursuant to § 903.7) as follows:

(i) 0.5 percent of milk received from dairy farmers and disposed of as whole milk in bulk tank lots;

(ii) 1.5 percent of the skim milk or butterfat received as other source milk (except milk received from dairy farmers) or as bulk tank lots of approved whole milk and disposed of in a form other than bulk tank lots of whole milk: *Provided*, That any disposition of whole milk in bulk tank lots shall be assigned first to receipts of milk in such form; and

(iii) 2.0 percent of milk received from dairy farmers and disposed of in a form other than bulk tank lots of whole milk: *Provided*, That shrinkage of skim milk and butterfat not in excess of the percentages specified herein shall be assigned pro rata, pursuant to this subparagraph, to skim milk and butterfat, respectively, in approved milk and in other source milk.

4. In § 903.45 (a) (1) delete the word "producer" and substitute therefor the word "approved."

5. Delete § 903.45 (a) (3) and substitute therefor the following:

(3) Subtract from the pounds of skim milk remaining in Class II milk the remaining pounds of skim milk in other source milk which was not subject to the Class I pricing provisions of an order issued pursuant to the act: *Provided*, That skim milk so subtracted from Class II shall not result in the assignment of more skim milk in approved milk to Class I in a plant which is permitted to receive and bottle Grade A and non-Grade A milk than is contained in the Grade A other source and approved milk received at such plant: *And provided further* That if the pounds of skim milk to be subtracted is greater than the remaining pounds of skim milk in Class II, the balance shall be subtracted from the pounds of skim milk in Class I,

6. Delete § 903.52 and substitute therefor the following:

§ 903.52 *Location differentials to handlers.* With respect to skim milk and butterfat contained in milk received

from producers at a pool plant in Mera-mac or Bonhomme townships, St. Louis County Missouri (except in the cities of Valley Park and Kirkwood), or outside the marketing area, which is classified as Class I milk, the price per hundred-weight shall be reduced by the amounts set forth in the following schedule according to the airline distance from the plant where the milk is received from producers, or the plant from which the milk is diverted, to the City Hall in St. Louis:

Mileage:	Allowance (cents)
Not more than 10 miles.....	0
More than 10 but not more than 20 miles.....	12
More than 20 but not more than 30 miles.....	14
More than 30 but not more than 40 miles.....	10
For each additional 10 miles or fraction thereof an additional....	1

Provided, That for the purpose of calculating such location differential with respect to milk transferred between pool plants, the Class II approved milk remaining in the transferee plant (except skim milk or butterfat in such plant which was subtracted pursuant to § 903.45 (a) (1) (2) and (b)) after deducting therefrom the amount of such milk or an amount equivalent to 0.05 times the producer milk at such plant, whichever is less, shall be assigned to approved milk from other plants in sequence according to the location differential applicable at each plant, beginning with the plant having the largest differential, and then to producer milk. [F. R. Doc. 53-9924; Filed, Nov. 24, 1953; 8:57 a. m.]

[7 CFR Part 965]

[Docket No. AO 166-A17]

HANDLING OF MILK IN THE CINCINNATI, OHIO, MARKETING AREA

DECISION WITH RESPECT TO PROPOSED AMENDMENT TO TENTATIVE MARKETING AGREEMENT AND TO ORDER, AS AMENDED

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and marketing orders (7 CFR Part 900) a public hearing was conducted at Cincinnati, Ohio, May 18-20, 1953, pursuant to notice thereof which was issued on May 6, 1953 (18 F. R. 2716)

Upon the basis of the evidence introduced at the hearing and the record thereof the Acting Assistant Administrator, Production and Marketing Administration, on September 18, 1953, filed with the Hearing Clerk, United States Department of Agriculture, his recommended decision and opportunity to file written exceptions thereto which was published in the Federal Register on September 24, 1953 (18 F. R. 5670)

The material issues of record related to:

1. The classification and pricing of:
 - a. Producer milk used in the manufacture of sour (cultured) cream, and

b. Producer milk which is in excess of the market requirements for Class I and Class II milk (this excess milk is hereinafter referred to as reserve supplies)

2. Applicability of the order during work stoppages at plants due to labor disputes; and

3. Powers of the market administrator.

Findings and conclusions. The following findings and conclusions on the material issues are based upon the evidence introduced at the hearing and the record thereof.

Sour cream. The classification and pricing of milk used in the manufacture of sour (cultured) cream should not be changed. Such milk should continue to be classified and priced as Class II milk.

Local health regulations require that sour cream be made from milk produced and handled in full compliance with these regulations; the same quality of milk as is required for cream for fluid consumption. The only available source of milk of this quality has been from producers as defined in the Cincinnati order, except in times of milk shortages when health authorities have permitted limited amounts of other milk to be used for short periods of time for this and other fluid uses. Thus the market requirements for milk for sour cream should be regularly supplied with producer milk. Milk for this use should carry its share of the burden of maintaining milk supplies at a level sufficient to meet market requirements.

Reserve supplies. To be adequately supplied, a market must carry certain reserve supplies in addition to the actual market requirements. These reserve supplies are necessary because of day to day fluctuations in both supplies and requirements and because of variations in normal seasonal patterns of supplies and of requirements. These reserve supplies must be disposed of in such outlets as are available. These reserve supplies of milk should be priced low enough that handlers will accept such milk and seek the available outlets for it, but high enough that supplies beyond those necessary for actual requirements and reserve supplies will not be attracted to the market. Reserve supplies should also be priced in such a manner as to provide a price incentive for such supplies to be channeled into outlets which are more desirable from the standpoint of location and seasonality and which may therefore be expected to yield somewhat higher returns. The highest prices for reserve supplies of milk consistent with the objective of assuring that handlers will accept such milk are in the public interest because such reserve supplies will be making their optimum contribution toward the maintenance of an adequate supply of milk for the market.

No change should be made in the classification and pricing of Class III and Class IV milk except that the basis for classifying milk transferred to a nonpool plant during the month of August should be made the same as during April, May, June, and July.

Proposals considered at the hearing would reduce the level of Class III and Class IV prices, change the classification of milk used in the manufacture of

cheddar cheese from Class III to Class IV, change the classification of milk used in the manufacture of ice cream from Class III to Class II but establish a lower price for milk used in ice cream sold outside of the marketing area, eliminate the Class IV classification by including milk used in the manufacture of butter in Class III and change the basis of classification of milk transferred to nonpool plants.

In considering the proposal to change the classification of milk used for ice cream from Class III to Class II, the question arises of whether milk used for ice cream, particularly for ice cream sold in the marketing area, should be considered as regular market requirements for milk or as an outlet for reserve supplies. The basis for this question lies in what the local health regulations and their enforcement require with respect to the quality of milk for use in ice cream. Conflicting evidence was submitted on this point. Sufficient basis cannot be found in the record for changing the classification of milk used for ice cream, and ice cream should continue to be considered as an outlet for reserve supplies of milk and classified as Class III milk.

In considering whether reserve supplies of milk are being priced in accordance with the objective set forth above of providing a price incentive for such supplies to be channelled into the more desirable outlets, it is necessary to consider which outlets are desirable.

Ice cream is a desirable outlet for reserve supplies of milk. Ice cream consumption is greatest in the months when reserve supplies are large. May, June, July, and August are the months when outlets in ice cream have been largest and November, December, January, and February have been the months when such outlets are smallest. This coincides almost exactly with the months when the reserve supplies are seasonally highest and lowest. In the last several years utilization of reserve supplies of milk by handlers in ice cream and ice cream mix in these four heaviest months of the year has been more than double such utilization in the four months when utilization of milk in ice cream is lowest. The utilization of reserve supplies in other products such as butter, nonfat dry milk solids, evaporated milk, and cheddar cheese also vary seasonally, but this seasonal outlet is facilitated by storage of the product rather than by a marked seasonal variation in consumption. Ice cream is also a favorable outlet because reserve supplies should have some location advantage in supplying local needs for milk for ice cream. Milk ingredients are usually incorporated into ice cream mix in the form of cream and condensed products, both of which are relatively bulky and perishable products, so reserve supplies have a greater location advantage in supplying milk for local ice cream outlets than for more concentrated and less perishable products. Reserve supplies have a similar location advantage in supplying milk for use in cottage cheese locally.

In each of the last six months the volume of reserve supplies have been at

record levels for that month, however, in the last 12 months reserve supplies have been less than they were in either 1949 or 1950 after adjustments are made in recognition that cottage cheese was in Class II prior to September 1950. It is doubtful if production for the Cincinnati market and accordingly the reserve supplies will continue at the level of recent months. Reserve supplies will probably not exceed their 1950 volume in the next year or two. The period when reserve supplies were at their peak (1949 and 1950) includes the periods (June through September 1949 and March through August 1950) when milk used in the manufacture of cheddar cheese was priced at a level comparable with the present Class IV price. There is some indication that the pricing of milk for cheese at this level may have made cheese such an attractive outlet to handlers that milk supplies in excess of market requirements and necessary reserve supplies were accumulated.

In recent years the most important outlets for reserve supplies have been cottage cheese, butter, condensed products, nonfat dry milk solids, ice cream, and nonpool plants. In each of the four most recent 12 month periods for which information is contained in the record the percentages of the butterfat contained in these reserve supplies which were used in the chief outlets were as follows:

	1949-50	1950-51	1951-52	1952-53
Ice cream.....	35	34	42	33
Nonpool plants.....	35	25	19	21
Butter.....	22	33	25	29

Similar figures for the chief outlets for skim milk are as follows:

	1949-50	1950-51	1951-52	1952-53
Nonpool plants.....	32	20	15	17
Cottage cheese.....	17	20	27	24
Condensed products.....	15	13	23	19
Ice cream.....	14	11	14	14
Nonfat dry milk solids.....	10	10	10	13

These figures indicate that ice cream has retained or slightly increased its position and cottage cheese has become more important as an outlet for reserve milk supplies. Condensed products, which are used to a considerable extent in ice cream, have also become a somewhat larger outlet. Outlets to butter were largest in 1950-51 and 1952-53 when reserve supplies were largest. Nonfat dry milk solids have been a larger outlet than usual in the last year when reserve supplies were heavy. Nonpool plants have declined substantially as an outlet for reserve milk supplies. This outlet includes milk, skim milk, or cream transferred to a nonpool plant. Such milk, skim milk and cream is used for various products including ice cream, cheddar cheese, evaporated milk, and butter. One apparent reason for the decline in the use of nonpool plants as outlets for reserve milk supplies results from the discontinuation effective September 1, 1950, of the pricing of milk for cheese at a level comparable with the present Class IV price.

The above analysis indicates that sufficient outlets have been available for reserve supplies and that the more desirable outlets have been retained or expanded. Reserve supplies do not appear to have been excessive in the last two or three years.

Proponents of a lower price for reserve supplies claimed that the present level of prices has caused them to lose substantial ice cream outlets outside of the marketing area and has priced such milk to them above its value. As was indicated above, ice cream has retained or slightly increased its position as an outlet for reserve supplies. It is difficult to measure the value of reserve supplies of milk to handlers except in terms of handlers' apparent attitudes about obtaining or retaining milk supplies as evidenced by their actions. At the time of the hearing a number of handlers were seeking additional milk supplies. During the period May 1952 through March 1953 one handler's Class I utilization ranged from a low of 35 percent (in June) to a high of 66 percent (in November) of his total receipts of producer milk. Comparable utilization percentages for these months for the entire market were 49 and 79, respectively. Apparently the prices for reserve milk supplies have not been so high as to deter handlers from retaining milk supplies or from seeking additional supplies. The number of producers supplying the market has increased somewhat in recent months.

Proposals were suggested at the hearing which would cause the Class III and Class IV prices to change automatically as the percentage of producer milk classified in those classes change. The record does not contain sufficient evidence to indicate the extent, if any, to which these prices should change in response to changes in utilization percentages.

Proposals were considered to change the classification provisions with respect to milk transferred from a pool plant to a nonpool plant. At the present time milk so transferred is classified during April, May, June, and July upon written certification by the operators of the two plants on the basis of any use at the nonpool plant and during the remaining months of the year on the basis of the highest priced utilization at the nonpool plant. The proposals would make the April-July method of classification applicable for all months of the year. Adoption of these proposals would make it possible for nonpool plants primarily engaged in distributing milk in areas suburban to Cincinnati but not a part of the marketing area to obtain milk as a part of their regular supply from pool plants which milk could be classified on the basis of the lowest priced utilization at the nonpool plant. An important consideration in adopting the present classification provisions for such milk was to prevent this from occurring.

A suggestion was made that milk transferred to a nonpool plant be classified in the highest priced utilization remaining after regular receipts of milk from dairy farmers at such plant is first allocated to the highest priced utilizations at the plant. Evidence in the record shows that milk is transferred to several different nonpool plants each

month. There would be a considerable additional administrative burden in effecting this method of classification because of the need for verifying total receipts and utilization of milk at these nonpool plants receiving milk from pool plants. The need for this method of classification does not appear to be great enough to justify this additional burden on the market administrator.

In recent years the reserve supplies of milk have been largest in April, May, June, July, and August. April and August volumes have been similar, and volumes in the remaining months have been notably lower. In order to bring the provisions for classifying milk transferred to a nonpool plant into better alignment with the present seasonality in the monthly volumes of reserve supplies, August should be included as a month when classification is on the same basis as during April, May, June, and July.

Work stoppages. Proposals were considered which would cause the order to be inoperative with respect to any handler whose plant is not in operation due to a work stoppage resulting from a dispute between the plant operator and a labor union. Testimony of proponents indicated that the major problems they sought to correct by this proposal result from (1) the present order provisions which do not permit handlers to divert producer milk from the farm directly to a nonpool plant, and (2) the possibility that handlers may not be able to find outlets for all of their milk which will return them as much as they are required by the order to pay producers for such milk.

A review of the present order provisions as they relate to this problem indicates that considerable flexibility now exists pursuant to the order with respect to these problems. If a handler desires to completely remove himself from price regulation with respect to part or all of his regular milk supply he could either divert such milk to a nonpool plant or leave the problem of finding an outlet for such milk to the producers of such milk, or their cooperative association. In the former event, the milk would not be producer milk; because it would not be received at a pool plant or diverted by a cooperative association. In the latter event, milk for which individual producers must find an outlet would also not be producer milk for the same reasons; and milk for which the cooperative finds an outlet would not be producer milk for the same reasons unless the association wishes to retain such milk as producer milk by diverting it and becoming a handler with respect to such milk and making the reports required of handlers. If a handler desires that all or part of his milk supply continue to be producer milk he can arrange with a cooperative association for the association to divert the milk. Nothing in the order prohibits a cooperative association from diverting milk of producers who are not members of such association.

In view of this flexibility presently available in the event of a labor strike or work stoppage it is not necessary that any further provisions be included in the order for this purpose.

Powers of the market administrator

The powers described in the order for the market administrator should be expanded to authorize him to make rules and regulations to effectuate the terms and provisions of the order and to recommend to the Secretary of Agriculture amendments to the order. The Agricultural Marketing Agreement Act of 1937 specifically authorizes these powers. The need for rules and regulations may arise at some time, and provision for their issuance will permit them to be made if the need arises. At times the market administrator in his official duties may detect certain administrative problems which should in his opinion be corrected by amendments to the order. He should be specifically authorized to recommend such amendments to the Secretary of Agriculture; however, such amendments could only be adopted after the procedures required by law and by regulations issued thereunder have been pursued.

General findings. (a) The proposed marketing agreement and the order, as amended, and as hereby proposed to be further amended, and all of the terms and conditions thereof will tend to effectuate the declared policy of the act;

(b) The parity prices of milk as determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds and other economic conditions which affect market supply of and demand for milk, in the marketing area and the minimum prices specified in the proposed marketing agreement and the order, as amended, and as hereby proposed to be further amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(c) The proposed order, as amended, and as hereby proposed to be further amended, will regulate the handling of milk in the same manner as, and will be applicable only to persons in the respective classes of industrial and commercial activities specified in a marketing agreement upon which a hearing has been held.

Rulings. Exception was taken to some of the findings and conclusions and provisions of the recommended marketing agreement and amendment to the order contained in the recommended decision. These exceptions were all fully considered in making the findings and reaching the conclusions contained herein and in deciding upon the appropriate and detailed provisions to be included in the marketing agreement and order to effectuate such conclusions. To the extent that the findings and conclusions or the marketing agreement and order contained herein are at variance with the exceptions pertaining thereto, such exceptions are denied for the reasons set forth in the findings and conclusions on the issue to which the exceptions relate.

Rulings contained in the recommended decision on proposed findings and conclusions are hereby confirmed and any proposed finding or proposed conclusion not previously ruled upon

which is inconsistent with the findings and conclusions contained herein is denied on the basis of facts found and stated in connection with the conclusions herein set forth.

Determination of representative period. The month of August 1953 is hereby determined to be the representative period for the purpose of ascertaining whether the issuance of an order amending the order, as amended, regulating the handling of milk in the Cincinnati, Ohio, marketing area in the manner set forth in the attached amending order is approved or favored by producers who during such period were engaged in the production of milk for sale in the marketing area specified in such order, as amended.

Marketing agreement and order. Annexed hereto and made a part hereof are two documents entitled "Marketing Agreement Regulating the Handling of Milk in the Cincinnati, Ohio, Marketing Area," and "Order Amending the Order, as Amended, Regulating the Handling of Milk in the Cincinnati, Ohio, Marketing Area," which have been decided upon as the detailed and appropriate means of effectuating the foregoing conclusions. These documents shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and orders have been met.

It is hereby ordered. That all of this decision, except the attached marketing agreement, be published in the FEDERAL REGISTER. The regulatory provisions of said marketing agreement are identical with those contained in the order, as amended, and as hereby proposed to be further amended by the attached order which will be published with this decision.

This decision filed at Washington, D. C., this 20th day of November 1953.

[SEAL] TRUE D. MORSE,
Acting Secretary of Agriculture.

Order¹ Amending the Order as Amended, Regulating the Handling of Milk in the Cincinnati, Ohio, Marketing Area.

§ 965.0 *Findings and determinations.* The findings and determinations herein-after set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of each of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provi-

¹ This order shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and orders have been met.

sions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.) and the applicable rules of practice and procedure, as amended, governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order, as amended, regulating the handling of milk in the Cincinnati, Ohio, marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order, as amended, and as hereby further amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(2) The parity prices of milk produced for sale in the said marketing area as determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds and other economic conditions which affect market supplies of and demand for such milk, and the minimum prices specified in the order, as amended, and as hereby further amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk and be in the public interest; and

(3) The said order, as amended, and as hereby further amended, regulates the handling of milk in the same manner as and is applicable only to persons in the respective classes of industrial and commercial activity specified in a marketing agreement upon which a hearing has been held.

Order relative to handling. It is therefore ordered that on and after the effective date hereof the handling of milk in the Cincinnati, Ohio, marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as amended, and as hereby further amended; and the aforesaid order, as amended, is hereby further amended as follows:

1. Amend § 965.21 to read as follows:

§ 965.21 *Powers.* The market administrator shall have the power to:

(a) Administer the terms and provisions of this subpart;

(b) Report to the Secretary complaints of violations of the provisions of this subpart;

(c) Make rules and regulations to effectuate the terms and provisions of this subpart; and

(d) Recommend to the Secretary amendments to this subpart.

2. Amend the last proviso of § 965.43 (b) to read as follows: "And provided further That in making such verification for months other than April, May, June, July, and August, the market administrator will assign milk, skim milk, or cream so transferred to the highest use classification in the plant of the receiver."

[F. R. Doc. 53-9920; Filed, Nov. 24, 1953; 8:56 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 8]

[Docket No. 10764]

CARGO SHIP RADIOTELEGRAPH WORKING BANDS

NOTICE OF PROPOSED RULE MAKING

In the matter of amendment of Part 8 of the Commission's rules and regulations concerning the inauguration of use of the cargo ship radiotelegraph working bands between 4 and 23 Mc as provided by the Geneva (1951) Agreement; Docket No. 10764.

1. Notice is hereby given of proposed rule making in the above entitled matter.

2. The proposed amendments to the rules are intended as a part of the Commission's plan for bringing into force the International Radio Regulations (Atlantic City, 1947) in accordance with the Agreement concluded at the Extraordinary Administrative Radio Conference (Geneva, 1951).

3. The Atlantic City Radio Regulations provide the following frequency bands for exclusive use as Cargo Ship Radiotelegraph Working Bands:

4187 -4238 kc	12561-12714 kc
6220.5-6357 kc	16748-16952 kc
8374 -8476 kc	22270-22400 kc

With reference to the activation of these bands, the Agreement concluded at the Extraordinary Administrative Radio Conference (Geneva, 1951) requires that all administrations endeavor to complete the clearance of these bands of out-of-band assignments within a six-month period after the date on which ship stations have commenced to move into the Atlantic City Ship Telegraph Calling Bands. The date of September 1, 1953, was established by the International Telecommunication Union as the date for beginning the activation of the Ship Telegraph Calling Bands on a world-wide basis. Therefore, the target date for the activation of the Cargo Ship Radiotelegraph Working Bands is March 1, 1954. The Agreement further provides that as the target date is approached, the International Telecommunication Union will take steps to establish the actual date based on the progress made by administrations in clearing the bands of out-of-band assignments and the ability of the cargo ships to operate in the new working bands.

4. It therefore appears appropriate to propose certain amendments to Part 8 of the Commission's rules at this time, well in advance of the date of activation, so as to reflect the forthcoming changes in those sections of the rules which relate to the availability of frequencies for use by ship stations. The forthcoming changes would therefore be brought to the attention of all interested parties and permit such preparatory measures as may be necessary with reference to equipment requirements to be undertaken sufficiently far in advance so that when the bands are cleared no delay

will be caused in bringing the new bands into force as a result of equipment limitations.

5. The proposed amendments to the rules are set forth below. They are issued pursuant to the authority of sections 303 (c) (f) and (r) of the Communications Act of 1934, as amended, the Final Acts of the International Telecommunication Radio Conference (Atlantic City 1947) and the Agreement concluded at the Extraordinary Administrative Radio Conference (Geneva, 1951)

6. Any interested party who is of the opinion that the proposed amendment should not be adopted, or should not be adopted in the form set forth herein, may file with the Commission on or before December 18, 1953, a written statement or brief setting forth his comments. Replies to such comments may be filed within ten days from the last date for filing the original comments. The Commission will consider all comments and briefs presented before taking final action in the matter.

7. In accordance with the provisions of § 1.764 of the Commission's rules and regulations, an original and 14 copies of all statements, briefs or comments filed shall be furnished the Commission:

Adopted: November 18, 1953.

Released: November 20, 1953.

FEDERAL COMMUNICATIONS
COMMISSION,

[SEAL] WM. P. MASSING,
Acting Secretary.

1. Section 8.321 (a) (1) is amended by inserting footnote designator 1a in the text of subparagraph (1) between "ship stations" and "(public or limited)" and by adding footnote 1a to read as follows:

^{1a} The specific frequencies above 515 kc herein listed shall not be assignable to ship

stations (public or limited) on board ships after a date to be designated.

2. Section 8.324 (e) (2) is amended by revising the bands of frequencies to read:

2065-2107 kc ^{2c}	12561-12714 kc ^{2d}
4187-4238 kc ^{2d}	16748-16952 kc ^{2d}
6280.5-6357 kc ^{2d}	22270-22400 kc,
8374-8476 kc ^{2d}	

And by inserting footnote 2d to read:

^{2d} Available after a date to be designated.

3. Section 8.324 (f) (2) is amended by inserting footnote designator 2e in the text of subparagraph (2) between "17000 kc" and "when" and by adding footnote 2e to read as follows:

^{2e} After a date to be designated, not applicable to frequencies between 4000 and 23000 kc insofar as ship stations aboard cargo vessels may be concerned.

[F. R. Doc. 53-9908; Filed, Nov. 24, 1953;
8:53 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[17 CFR Parts 239, 270, 274]

REVISION OF FORMS RELATING TO REGISTRATION STATEMENTS AND RELATED AMENDMENTS OF RULES UNDER THE INVESTMENT COMPANY ACT OF 1940

NOTICE OF PROPOSED RULE MAKING

The Securities and Exchange Commission today announced that it was circulating for comment among registered management investment companies copies of proposed revisions of Forms N-8B-1 and S-5¹ (17 CFR 239.15 and 274.11) and related amendments to the General Rules and Regulations under the Investment Company Act of 1940.

Section 274.11 (Form N-8B-1) is the basic form for registration of manage-

ment investment companies under the Investment Company Act of 1940. Section 239.15 (Form S-5) is a form for registration under the Securities Act of 1933 of the securities of open-end management investment companies, commonly known as "Mutual Funds." In connection with the preparation of these forms, the Commission has had the cooperation and many practical suggestions of representatives of management investment companies and the distributors of their securities. It is believed that as a result of such cooperation and suggestions the proposed new forms have been materially simplified without any loss to investors of essential information. Particularly, it is believed that the new Form S-5 will reduce substantially the size of the prospectus used in the sale of "Mutual Funds," as the result of the simplification of requirements for financial data to be included therein and the elimination of much statistical data.

Although these forms have been previously circulated for comment among the companies affected and other interested persons, the Commission believes the fundamental character and importance of these basic forms, not only to the companies concerned but to investors, warrants their re-circulation for further comment. All interested persons may obtain copies of such forms and the related rules by writing to the Commission's Secretary, Orval DuBois, at 425 Second Street NW. The Commission requests that all comments upon these forms be made to it not later than December 1, 1953.

By the Commission.

[SEAL] ORVAL L. DuBOIS,
Secretary.

NOVEMBER 17, 1953.

[F. R. Doc. 53-9887; Filed, Nov. 24, 1953;
8:50 a. m.]

NOTICES

DEPARTMENT OF THE TREASURY

Office of the Secretary

[Treasury Department Order 150-32]

COMMISSIONER OF INTERNAL REVENUE

DELEGATION OF FINAL APPROVAL OF CLOSING AGREEMENTS

By virtue of the authority vested in me by Reorganization Plan No. 26 of 1950, there are hereby transferred to the Commissioner of Internal Revenue all the functions of the Secretary of the Treasury, the Under Secretary of the Treasury, or any Assistant Secretary of the Treasury with respect to closing agreements under section 3760 of the Internal Revenue Code.

This order continues the delegation made by Treasury Department Order No. 146, dated December 20, 1951, which is hereby superseded.

The functions herein transferred may be delegated by the Commissioner to

subordinates in the Internal Revenue Service in such manner as he shall from time to time direct.

Dated: November 18, 1953.

[SEAL] G. M. HUMPHREY,
Secretary of the Treasury.

[F. R. Doc. 53-9897; Filed, Nov. 24, 1953;
8:52 a. m.]

DEPARTMENT OF THE INTERIOR

Office of the Secretary

CONFEDERATED TRIBES OF COLVILLE RESERVATION

ADOPTION OF FEDERAL INDIAN LIQUOR LAWS

Pursuant to the act of August 15, 1953 (Pub. Law 277, 83d Cong., 1st Sess.), I certify that the following ordinance relating to the application of the Federal Indian liquor laws on the Colville

¹ Filed as part of the original document.

Reservation was duly adopted by the Confederated Tribes of the Colville Indian Reservation of Washington which has jurisdiction over the area of Indian country included in the resolution:

Whereas Public Law 277, 83d Congress, approved August 15, 1953, provides that sections 1154, 1156, 3113, 3488 and 3618 of title 18, United States Code, commonly referred to as the Federal Indian liquor laws, shall not apply to any act or transaction within any area of Indian country provided such act or transaction is in conformity with both the laws of the State in which such act or transaction occurs and with an ordinance duly adopted by the tribe having jurisdiction over such area of Indian country, certified by the Secretary of the Interior, and published in the FEDERAL REGISTER,

Therefore, be it resolved that the introduction, sale or possession of intoxicating beverages shall be lawful within the Indian country under the jurisdiction of the Confederated Tribes of the Colville Indian Reservation: *Provided*, That such introduction, sale or possession is in conformity with the laws of the State of Washington.

Be it further resolved that any tribal laws, resolutions or ordinances heretofore enacted which prohibit the sale, introduction or possession of intoxicating beverages are hereby repealed.

ORME LEWIS,
Assistant Secretary of the Interior.

NOVEMBER 19, 1953.

[F. R. Doc. 53-9880; Filed, Nov. 24, 1953;
8:45 a. m.]

MINNESOTA CHIPPEWA TRIBE

ADOPTION OF FEDERAL INDIAN LIQUOR LAWS

Pursuant to the act of August 15, 1953 (Pub. Law 277, 83d Cong., 1st Sess.) I certify that the following ordinance relating to the application of the Federal Indian liquor laws on reservations in the State of Minnesota under the jurisdiction of the Consolidated Chippewa Agency was duly adopted by the Minnesota Chippewa Tribe which has jurisdiction over the area of Indian country included in the resolution:

Whereas Public Law 277, 83d Congress, approved August 15, 1953, provides that sections 1154, 1156, 3113, 3488 and 3618 of title 18, United States Code, commonly referred to as the Federal Indian liquor laws, shall not apply to any act or transaction within any area of Indian country provided such act or transaction is in conformity with both the laws of the State in which such act or transaction occurs and with an ordinance duly adopted by the tribe having jurisdiction over such area of Indian country, certified by the Secretary of the Interior, and published in the FEDERAL REGISTER.

Therefore, be it resolved that the introduction or possession of intoxicating beverages shall be lawful within the Indian country under the jurisdiction of the Minnesota Chippewa Tribe, Provided, that such introduction or possession is in conformity with the laws of the State of Minnesota,

Be it further resolved, that the sale of intoxicating beverage shall be lawful within the Indian country under the jurisdiction of the Minnesota Chippewa Tribe, only by liquor stores owned and managed by the Minnesota Chippewa Tribe, Provided, that such sale is in conformity with the laws of the State of Minnesota.

Be it further resolved that any tribal laws, resolutions or ordinances heretofore enacted which prohibit the sale, introduction or possession of intoxicating beverages are hereby repealed.

ORME LEWIS,
Assistant Secretary of the Interior

NOVEMBER 19, 1953.

[F. R. Doc. 53-9881; Filed, Nov. 24, 1953;
8:46 a. m.]

DEPARTMENT OF AGRICULTURE

Production and Marketing Administration

UPLAND COTTON MARKETING QUOTA

NOTICE OF REFERENDUM FOR 1954 CROP

The Secretary of Agriculture has duly proclaimed, pursuant to the provisions of the Agricultural Adjustment Act of 1938, as amended, a national marketing quota for the crop of upland cotton produced in 1954.

A referendum of the farmers who were engaged in the production of upland cotton in the calendar year of 1953 will

be held on December 15, 1953, pursuant to the provisions of the act and applicable regulations, to determine whether such farmers are in favor of or opposed to the 1954 quota. If two-thirds or more of the cotton farmers voting in the upland cotton referendum favor the quota, such quota will be in effect for the 1954 upland cotton crop. If more than one-third of the cotton farmers voting in such referendum oppose the quota, the quota will not be in effect for the 1954 upland cotton crop.

Registration. Any person who, on the basis of the eligibility requirements set forth below, is eligible to vote in the referendum and who has reason to believe he is not on record as a 1953 upland cotton producer in the county should notify the PMA County Committee of his eligibility and request that his name be entered on the register of eligible voters.

Eligibility to vote. 1. Farmers eligible to vote in the referendum will be those farmers who were engaged in the production of upland cotton in 1953 as owner-operator, cash tenant, standing-rent or fixed-rent tenant, or landlord (other than a landlord of a standing-rent tenant, cash-rent or fixed-rent tenant) of a share tenant, or as share tenant or sharecropper.

2. Any farmer whose only cotton production in 1953 consisted of extra long staple cotton shall not be eligible to vote in this referendum, but, if otherwise eligible, may vote in the extra long staple cotton referendum.

3. No cotton farmer (whether an individual, partnership, firm, joint-stock company, corporation, association, trust, estate, or other legal entity, or a State or political subdivision thereof or any agency of a State or political subdivision thereof) shall be entitled to more than one vote in the referendum, even though such farmer may have been engaged in 1953 in the production of upland cotton on two or more farms or in two or more communities, counties, or States.

4. In case several persons, such as husband, wife, and children, participated in the production of upland cotton in 1953, under the same rental or cropping agreement or lease, only the persons who signed or entered into the rental or cropping agreement or lease shall be eligible to vote.

5. In the event two or more persons were engaged in producing upland cotton in 1953 not as members of a partnership but as tenants in common or joint tenants or as owners of community property, each such person shall be eligible to vote.

6. No person shall be eligible to vote in any community other than the community in which he now resides except as follows:

(a) Any person who resides in a community other than the community in which he is engaged in the production of upland cotton may, if he will not vote in the community in which he resides, vote at the polling place for the community in which he is engaged in the production of such cotton.

(b) Any person who resides in a community in which there is no polling place shall be eligible to vote at the polling place designated for the community

nearest to the community in which he resides.

(c) Any person who on the day of the referendum will not be present in the county in which he is eligible to vote may, as early as 5 days prior to the date of the referendum, obtain a ballot at the most conveniently located PMA County Committee office and may cast his ballot by indicating his choice on the ballot, signing his name thereto and mailing it so that the ballot reaches the PMA County Committee for the county in which he is eligible to vote not later than the closing hour on the date of the referendum, which shall not be earlier than 5 o'clock p. m., local standard time.

7. There shall be no voting by mail (except as provided in paragraph 6 (c) above) by proxy, or by agent, but a duly authorized officer of a corporation, association, or other legal entity or a duly authorized member of a partnership, may cast its vote.

The foregoing provisions relating to registration and eligibility to vote in the referendum will appear on printed notices which will be posted in a conspicuous place in each community in which upland cotton was produced in 1953. The language appearing below will also appear on the notices prepared for posting and will be filled in by the Production and Marketing Administration county committee to show the place for balloting and the time for opening and closing of the polls.

PLACE FOR BALLOTING

The place for voting in the referendum in the _____ community will be _____

TIME

The polls, in accordance with the official instructions for holding the referendum, shall be opened promptly at _____ o'clock a. m. and closed promptly at _____ o'clock p. m., local standard time, on Tuesday, December 15, 1953.

(PMA County Committee)

Issued _____, 1953.

Note: Upland cotton means all cotton other than extra long staple cotton. For purposes of the referendum and as used in this notice, the term "extra long staple cotton" means the designated types of cotton grown in the areas designated by the Secretary, as set forth in the marketing quota regulations relating to apportionment of the national acreage allotment for the 1954 crop of upland cotton to States, counties and farms, which will be published in the FEDERAL REGISTER as soon as possible after November 5, 1953, under Title 7, Chapter VII, Part 722.

Issued at Washington, D. C., this 20th day of November 1953.

[SEAL] TRUE D. MORSE,
Acting Secretary of Agriculture.

[F. R. Doc. 53-9317; Filed, Nov. 24, 1953;
8:55 a. m.]

EXTRA LONG STAPLE COTTON MARKETING QUOTA

NOTICE OF REFERENDUM FOR 1954 CROP

The Secretary of Agriculture has duly proclaimed, pursuant to the provisions of the Agricultural Adjustment Act of

1938, as amended, a national marketing quota for the crop of extra long staple cotton produced in 1954.

A referendum of the farmers who were engaged in the production of extra long staple cotton in the calendar year of 1953 will be held on December 15, 1953, pursuant to the provisions of the act and applicable regulations, to determine whether such farmers are in favor of or opposed to the 1954 quota. If two-thirds or more of the cotton farmers voting in the extra long staple cotton referendum favor the quota, such quota will be in effect for the 1954 extra long staple cotton crop. If more than one-third of the cotton farmers voting in such referendum oppose the quota, the quota will not be in effect for the 1954 extra long staple cotton crop.

Registration. Any person who, on the basis of the eligibility requirements set out below, is eligible to vote in the referendum and who has reason to believe he is not on record as a 1953 extra long staple cotton producer in the county should notify the PMA County Committee of his eligibility and request that his name be entered on the register of eligible voters.

Eligibility to vote. 1. Farmers eligible to vote in the referendum will be those farmers who were engaged in the production of extra long staple cotton in 1953 as owner-operator, cash tenant, standing-rent or fixed-rent tenant, or landlord (other than a landlord of a standing-rent tenant, cash-rent or fixed-rent tenant) of a share tenant, or as share tenant or sharecropper.

2. Any farmer whose only cotton production in 1953 consisted of upland cotton shall not be eligible to vote in this referendum, but, if otherwise eligible, may vote in the upland cotton referendum.

3. No cotton farmer (whether an individual, partnership, firm, joint-stock company, corporation, association, trust, estate, or other legal entity, or a State or political subdivision thereof or any agency of a State or political subdivision thereof) shall be entitled to more than one vote in the referendum, even though such farmer may have been engaged in 1953 in the production of extra long staple cotton on two or more farms or in two or more communities, counties or States.

4. In case several persons, such as husband, wife, and children, participated in the production of extra long staple cotton in 1953 under the same rental or cropping agreement or lease, only the persons who signed or entered into the rental or cropping agreement or lease shall be eligible to vote.

5. In the event two or more persons were engaged in producing extra long staple cotton in 1953 not as members of a partnership but as tenants in common or joint tenants or as owners of community property, each such person shall be eligible to vote.

6. No person shall be eligible to vote in any community other than the community in which he now resides except as follows:

(a) Any person who resides in a community other than the community in which he is engaged in the production of

extra long staple cotton may, if he will not vote in the community in which he resides, vote at the polling place for the community in which he is engaged, in the production of such cotton.

(b) Any person who resides in a community in which there is no polling place shall be eligible to vote at the polling place designated for the community nearest to the community in which he resides.

(c) Any person who on the day of the referendum will not be present in the county in which he is eligible to vote may, as early as 5 days prior to the date of the referendum, obtain a ballot at the most conveniently located PMA County Committee office and may cast his ballot by indicating his choice on the ballot, signing his name thereto and mailing it so that the ballot reaches the PMA County Committee for the county in which he is eligible to vote not later than the closing hour on the date of the referendum, which shall not be earlier than 5 o'clock, p. m., local standard time.

7. There shall be no voting by mail (except as provided in paragraph 6 (c) above) by proxy, or by agent, but a duly authorized officer of a corporation, association, or other legal entity or a duly authorized member of a partnership, may cast its vote.

The foregoing provisions relating to registration and eligibility to vote in the referendum will appear on printed notices which will be posted in a conspicuous place in each community in which extra long staple cotton was produced in 1953. The language appearing below will also appear on the notices prepared for posting and will be filled in by the Production and Marketing Administration county committee to show the place for balloting and the time for opening and closing of the polls.

PLACE FOR BALLOTING

The place for voting in the referendum in the _____ Community will be _____

TIME

The polls, in accordance with the official instructions for holding the referendum, shall be opened promptly at ____ o'clock a. m. and closed promptly at ____ o'clock p. m., local standard time on Tuesday, December 15, 1953.

(PMA County Committee)

Issued _____, 1953.

NOTE: Upland cotton means all cotton other than extra long staple cotton. For purposes of the referendum and as used in this notice, the term "extra long staple cotton" means the designated types of cotton grown in the areas designated by the Secretary, as set forth in the marketing quota regulations relating to apportionment of the national acreage allotment for the 1954 crop of extra long staple cotton to States, counties and farms, which will be published in the *FEDERAL REGISTER* as soon as possible after November 20, 1953, under Title 7, Chapter VII, Part 722.

Issued at Washington, D. C., this 20th day of November 1953.

[SEAL]

TRUE D. MORSE,
Acting Secretary of Agriculture.

[F. R. Doc. 53-9918; Filed, Nov. 24, 1953; 8:55 a. m.]

TOKAY GRAPES GROWN IN SAN JOAQUIN AND SACRAMENTO COUNTIES IN CALIFORNIA

ORDER DIRECTING THAT A REFERENDUM BE CONDUCTED; DESIGNATION OF REFERENDUM AGENTS TO CONDUCT SUCH REFERENDUM; AND DETERMINATION OF REPRESENTATIVE PERIOD

Pursuant to the applicable provisions of Marketing Agreement No. 93, as amended, and Order No. 51, as amended (7 CFR Part 951) and the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.) it is hereby directed that a referendum be conducted among the producers who, during the period beginning April 1, 1953, and ending November 1, 1953, both dates inclusive (which period is hereby determined to be a representative period for the purpose of such referendum), were engaged, in San Joaquin and Sacramento Counties in California, in the production of Tokay grapes for market to determine whether such producers favor the termination of the said amended marketing agreement and order. Oscar H. Chapin and Harry J. Krade of the Fruit and Vegetable Branch, Production and Marketing Administration, United States Department of Agriculture, are hereby designated as agents of the Secretary of Agriculture to conduct said referendum jointly or severally.

The procedure applicable to this referendum shall be the "Procedure for the Conduct of Referenda Among Producers in Connection with Marketing Orders (Except Those Applicable to Milk and its Products) to Become Effective Pursuant to the Agricultural Marketing Agreement Act of 1937, as amended" (15 F. R. 5176) except that for the purposes of this referendum:

A. Paragraph (c) (1) is amended to read as follows:

(1) Conduct the referendum in the manner herein prescribed, by giving opportunity to producers, who, during the period beginning April 1, 1953, and ending November 1, 1953, both dates inclusive (which period is determined to be a representative period), have been engaged, within San Joaquin and Sacramento Counties in California, in the production of Tokay grapes for market, to cast their ballots relative to the termination of said amended marketing agreement and order.

B. Paragraph (c) (5) is amended to read as follows:

(5) Make available to producers and the aforesaid cooperative associations instructions on voting, and appropriate ballot and other necessary forms.

C. Paragraph (d) (3) is amended to read as follows:

(3) Distribute ballots and other necessary forms to producers and receive any ballots which are cast; and

Copies of the aforesaid amended marketing agreement and order, of the aforesaid procedure (15 F. R. 5176), and of this order may be examined in the Office of the Hearing Clerk, Room 1353, South Building, United States Department of Agriculture, Washington, D. C.

and at the office of the Field Representative, Fruit and Vegetable Branch, Production and Marketing Administration, United States Department of Agriculture, Room 302, 701 "K" Street, Sacramento, California.

Done at Washington, D. C., this 20th day of November 1953.

[SEAL] TRUE D. MORSE,
Acting Secretary of Agriculture.

[F. R. Doc. 53-9923; Filed, Nov. 24, 1953;
8:57-a. m.]

CIVIL AERONAUTICS BOARD

[Docket No. 6078]

AIR-AMERICA, INC., ET AL., ENFORCEMENT
PROCEEDING

NOTICE OF RE-ASSIGNED HEARING

In the matter of a complaint against Air America, Inc. and certain allegedly associated companies, including Air America Agency Corporation, Air America Agency, Inc., Airline Reservations, Inc. (New York) Airline Reservations, Inc. (Illinois) and Airline Tickets, Inc., filed by American Airlines, Inc., and charging aforesaid respondents, together and severally, with violations of section 411 of the Civil Aeronautics Act of 1938, as amended, and with violations of § 291.1 (a) of the Board's Economic Regulations.

Notice is hereby given that a public hearing in the above-entitled proceeding originally assigned to be held on October 12, 1953, and later postponed is hereby re-assigned to be held on December 8, 1953, at 10:00 a. m., e. s. t., in Room 1205, Temporary Building No. 4, Seventeenth Street and Constitution Avenue NW., Washington, D. C., before Examiner Edward T. Stodola.

Without limiting the scope of the issues presented by the complaint filed by American Airlines, Inc., particular attention will be given to the question whether the respondents, or any of them, are in violation of section 411 of the act and § 291.1 (a) of the Board's Economic Regulations and whether the Board shall exercise its powers under sections 205 (a) 411, 1002 (b) and 1002 (c) of the act and order the respondents, or any of them, to cease and desist from activities and practices which have allegedly resulted in violations of said section 411 of the act and said § 291.1 (a) of the Board's Economic Regulations.

Notice is hereby further given that any person other than parties of record desiring to be heard in this proceeding must file with the Board on or before December 8, 1953 a statement setting forth the issues of fact or law raised by this proceeding which he desires to controvert.

For further details of the issues involved in this proceeding, all interested parties are referred to the complaint and other documents on file under Docket No. 6078 in the docket section of the Civil Aeronautics Board.

No. 230—3

Dated at Washington, D. C., November 20, 1953.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F. R. Doc. 53-9914; Filed, Nov. 24, 1953;
8:54 a. m.]

[Docket No. 5770 et al.]

LAKE CENTRAL AIRLINES ET AL., ACQUISITION INVESTIGATION

NOTICE OF HEARING

In the matter of the joint application for approval of certain interlocking relationships involving North Central Airlines, Inc. and Lake Central Airlines, Inc., and the matter of the proposed acquisition of the control of Lake Central Airlines, Inc. by North Central Airlines, Inc. and/or Ozark Airlines, Inc., and the investigation of the acquisition of Lake Central's Route 88 in whole or in part by North Central Airlines, Inc., Ozark Airlines, Inc. and/or Allegheny Airlines, Inc. pursuant to sections 408 and 409 (a) of the Civil Aeronautics Act of 1938, as amended, under Docket Nos. 5770, 6024, 6068, and 6213.

Notice is hereby given, pursuant to the Civil Aeronautics Act of 1938, as amended, hereinafter called the act, that a hearing in the above-entitled proceeding will be held on November 30, 1953, at 10:00 a. m., e. s. t., in Room 1205, Temporary Building No. 4, Seventeenth and Constitution Avenue NW., Washington, D. C., before Examiner Paul N. Pfeiffer.

Without limiting the scope of the issues presented by the applications and investigations consolidated herein, particular attention will be directed to the following matters:

(1) Whether the acquisition of control of Lake Central Airlines, Inc. by North Central Airlines, Inc. would result in creating a monopoly or monopolies and thereby restrain competition or jeopardize a third air carrier and would not be consistent with the public interest pursuant to section 408 of the act?

(2) Whether the interlocking relationships of Howard A. Morey, Frank N. Buttomer, Grove Webster, Arthur E. Schwandt, Arthur E. A. Mueller, Joe Decoursin, Francis M. Higgins, Don Olen, Harold Emch, Harold N. Carr, A. L. Wheeler and Robert B. Stewart, North Central Airlines, Inc. and Lake Central Airlines, Inc. will not adversely affect the public interest within the meaning of section 409 (a) of the act?

(3) Whether and upon what terms the acquisition of the majority stock holding interest in Lake Central Airlines, Inc. by North Central Airlines, Inc. and/or Ozark Airlines, Inc., and whether and upon what terms the acquisition of Lake Central's Route 88 in whole or in part by North Central Airlines, Inc., Ozark Airlines, Inc., and/or Allegheny Airlines, Inc. is consistent with the public interest?

For further details of the issues involved in this proceeding, interested persons are referred to the applications and

amendments thereto, petitions, motions, and orders entered in the docket of this proceeding, all of which are on file with the Civil Aeronautics Board.

Notice is further given that any person other than parties of record desiring to be heard in this proceeding should file with the Board, on or before November 30, 1953, a statement setting forth the issues of fact or law to be presented.

Dated at Washington, D. C., November 20, 1953.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F. R. Doc. 53-9915; Filed, Nov. 24, 1953;
8:54 a. m.]

[Docket No. 2888 et al.]

SKYTRAIN AIRWAYS, INC., REOPENED LATIN
AMERICAN AIR FREIGHT CASE

NOTICE OF POSTPONEMENT OF HEARING

In the matter of the fitness, willingness, and ability of Skytrain Airways, Inc., properly to perform the air transportation encompassed within Docket No. 2888 and Docket No. 4473 and to conform to the provisions of the act and the rules, regulations, and requirements of the Board thereunder.

Notice is hereby given, pursuant to the Civil Aeronautics Act of 1938, as amended, that on November 9, 1953, hearing in the above-entitled proceeding heretofore assigned to be held on December 7, 1953, was postponed to a date later to be assigned.

Notice is further given, that hearing in the above-entitled proceeding is hereby reassigned to be held on January 5, 1954, at 10:00 a. m., e. s. t., in Room 1205, Temporary Building No. 4, Sixteenth Street and Constitution Avenue NW., Washington, D. C., before Examiner Curtis C. Henderson.

Dated at Washington, D. C., November 20, 1953.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F. R. Doc. 53-9913; Filed, Nov. 24, 1953;
8:54 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket Nos. 8905, 10760]

UNIVERSAL BROADCASTING CO., INC., AND
CROSLY BROADCASTING CORP.

ORDER DESIGNATING APPLICATIONS FOR CONSOLIDATED HEARING ON STATED ISSUES

In re applications of Universal Broadcasting Company, Inc., Indianapolis, Indiana, Docket No. 8905, File No. BPCT-110; Crosley Broadcasting Corporation, Indianapolis, Indiana, Docket No. 10760, File No. BPCT-1594; for construction permits for new television stations.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 18th day of November 1953;

The Commission having under consideration the above-entitled applications,

each requesting a construction permit for a new television broadcast station to operate on Channel 8 in Indianapolis, Indiana; and

It appearing that the above-entitled applications are mutually exclusive in that operation by more than one applicant would result in mutually destructive interference; and

It further appearing that pursuant to section 309 (b) of the Communications Act of 1934, as amended, the above-named applicants were advised by letters of the fact that their applications were mutually exclusive, of the necessity for a hearing and of all objections to their applications; and were given an opportunity to reply; and

It further appearing that upon due consideration of the above-entitled applications, the amendments filed thereto, and the replies to the above letters, the Commission finds that under section 309 (b) of the Communications Act of 1934, as amended, a hearing is mandatory; and that each of the above-named applicants is legally, financially and technically qualified to construct, own and operate a television broadcast station;

It is ordered, That pursuant to section 309 (b) of the Communications Act of 1934, as amended, the above-entitled applications are designated for hearing in a consolidated proceeding to commence at 10:00 a. m. on the 18th day of December, 1953 in Washington, D. C., upon the following issue:

1. To determine on a comparative basis which of the operations proposed in the above-entitled applications would better serve the public interest, convenience and necessity in the light of the record made with respect to the significant differences between the applications as to:

(a) The background and experience of each of the above-named applicants having a bearing on its ability to own and operate the proposed television station.

(b) The proposals of each of the above-named applicants with respect to the management and operation of the proposed station.

(c) The programming service proposed in each of the above-entitled applications.

It is further ordered, That the issues in the above-entitled proceeding may be enlarged by the Examiner, on his own motion or on petition properly filed by a party to the proceeding and upon sufficient allegations of fact in support thereof, by the addition of the following issued: To determine whether the funds available to the applicant will give reasonable assurance that the proposals set forth in the application will be effectuated.

Released: November 20, 1953.

FEDERAL COMMUNICATIONS
COMMISSION,

[SEAL]. WM. P. MASSING,
Acting Secretary.

[F. R. Doc. 53-9904; Filed, Nov. 24, 1953;
8:52 a. m.]

[Docket Nos. 9030, 10758, 10759]

QUEEN CITY BROADCASTING CO. ET AL.

ORDER DESIGNATING APPLICATIONS FOR CONSOLIDATED HEARING ON STATED ISSUES

In re applications of Queen City Broadcasting Company, Seattle, Washington, Docket No. 9030, File No. BPCT-453; KXA, Inc., Seattle, Washington, Docket No. 10758, File No. BPCT-902; Puget Sound Broadcasting Company, Incorporated, Seattle, Washington, Docket No. 10759, File No. BPCT-1592; for construction permits for new television stations.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 18th day of November 1953;

The Commission having under consideration the above-entitled applications, each requesting a construction permit for a new television broadcast station to operate on Channel 7 in Seattle, Washington; and

It appearing that the above-entitled applications are mutually exclusive in that operation by more than one applicant would result in mutually destructive interference; and

It further appearing that pursuant to section 309 (b) of the Communications Act of 1934, as amended, the above-named applicants were advised by letters of the fact that their applications were mutually exclusive, of the necessity for a hearing and of all objections to their applications; and were given an opportunity to reply; and

It further appearing that upon due consideration of the above-entitled applications, the amendments filed thereto, and the replies to the above letters, the Commission finds that under section 309 (b) of the Communications Act of 1934, as amended, a hearing is mandatory; and that each of the above-named applicants is legally, financially and technically qualified to construct, own and operate a television broadcast station; and

It further appearing that Queen City Broadcasting Company filed a letter on November 10, 1953 stating, inter alia, that the Commission, on October 5, 1953, sent pre-hearing letters to each of the above-entitled applicants stating therein that any reply should be filed "within thirty days from the date of this notice" and that "in the absence of a reply from you concerning the above matters, your application will be subject to dismissal pursuant to the provisions of § 1.381 of the Commission's rules." that on November 4, 1953 Queen City Broadcasting Company filed a reply to its pre-hearing letter and an amendment to its application; that on November 5, 1953 KXA, Inc. filed a "preliminary response" to its pre-hearing letter setting forth the reasons why "a complete amendment" could not have been filed on November 4, 1953 and requesting that an amendment to be filed "within a few days" be "considered by the Commission before the instant application is designated for hearing"; that on November 9, 1953 the Commission received a letter from Puget Sound Broadcasting Company, Incorporated

setting forth the reasons why an amended application had not previously been filed and stating that an amendment would be filed on November 9, 1953; and that the applications of KXA, Inc. and Puget Sound Broadcasting Company, Incorporated should be dismissed pursuant to the requirements of the above pre-hearing letters and § 1.381 of the Commission's rules or that, in the alternative, "any late filed amendments" should be disregarded and all three applications should be considered as they stood on November 4, 1953 and designated for hearing on that basis; and that on November 16, 1953, KXA, Inc., filed a reply to said request urging that it be denied; and

It further appearing that amendments to the application of KXA, Inc. were filed on November 10, 1953 and November 16, 1953; that amendments to the application of Puget Sound Broadcasting Company, Incorporated were filed on November 9, 1953 and November 12, 1953; that under § 1.365 (a) of the Commission's rules applications may be amended as a matter of right prior to the designation of such application for hearing; that by their letters filed November 5, 1953 and November 9, 1953, respectively, KXA, Inc., and Puget Sound Broadcasting Company, Incorporated indicated intentions to prosecute their applications; that Queen City Broadcasting Company has not been prejudiced by the late replies to the Commission's letter; and that dismissals of the applications of KXA, Inc., and Puget Sound Broadcasting Company, Incorporated are not warranted on the basis of the above facts.

It is ordered, That the requests of Queen City Broadcasting Company, set forth in its letter filed November 10, 1953, are denied in all respects.

It is further ordered, That pursuant to section 309 (b) of the Communications Act of 1934, as amended, the above-entitled applications are designated for hearing in a consolidated proceeding to commence at 10:00 a. m. on the 18th day of December, 1953 in Washington, D. C. upon the following issues:

1. To determine on a comparative basis which of the operations proposed in the above-entitled applications would best serve the public interest, convenience and necessity in the light of the record made with respect to the significant differences among the applications as to:

(a) The background and experience of each of the above-named applicants having a bearing on its ability to own and operate the proposed television station.

(b) The proposals of each of the above-named applicants with respect to the management and operation of the proposed station.

(c) The programming service proposed in each of the above-entitled applications.

It is further ordered, That the issues in the above-entitled proceeding may be enlarged by the Examiner, on his own motion or on petition properly filed by a party to the proceeding and upon suf-

ficient allegations of fact in support thereof, by the addition of the following issue: To determine whether the funds available to the applicant will give reasonable assurance that the proposals set forth in the application will be effectuated.

Released: November 20, 1953.

FEDERAL COMMUNICATIONS
COMMISSION,
[SEAL] WM. P. MASSING,
Acting Secretary.

[F. R. Doc. 53-9905; Filed, Nov. 24, 1953;
8:52 a. m.]

[Docket No. 10741]

MID-ATLANTIC BROADCASTING Co.
(WMID)

ORDER CONTINUING HEARING

In the matter of Cease and Desist Order to be directed against Mid-Atlantic Broadcasting Company (WMID), Atlantic City, New Jersey, Docket No. 10741.

The Commission having under consideration a "Petition to Reconsider and Vacate Action Looking Toward Issuance of a Cease and Desist Order" filed on November 13, 1953, by Mid-Atlantic Broadcasting Company, Atlantic City, New Jersey, which said petition contained a request that the hearing in the above matter presently scheduled for November 16, 1953, be postponed in order to afford the Commission opportunity to act upon the aforesaid petition;

It appearing that all the parties to this proceeding have consented to a grant of the request for postponement and to a waiver of \$1,745 of the Commission's rules in order to permit immediate consideration thereof.

It is ordered, This 16th day of November, 1953, that the motion for continuance is granted and that the hearing scheduled to be held in this proceeding on November 16, 1953, be, and the same is, hereby continued indefinitely.

FEDERAL COMMUNICATIONS
COMMISSION,
[SEAL] WM. P. MASSING,
Acting Secretary.

[F. R. Doc. 53-9906; Filed, Nov. 24, 1953;
8:52 a. m.]

[Change List No. 78]

CANADIAN BROADCAST STATIONS

LIST OF CHANGES, PROPOSED CHANGES AND CORRECTIONS IN ASSIGNMENTS

OCTOBER 28, 1953.

Notification under the provisions of Part III, section 2 of the North American Regional Broadcasting Agreement.

List of changes, proposed changes, and corrections in assignments of Canadian Broadcast Stations modifying Appendix containing assignments of Canadian Broadcast Stations (Mimeograph 47214-3) attached to the Recommendations of the North American Regional Broadcasting Agreement Engineering Meeting, January 30, 1941.

CANADIAN BROADCAST STATIONS

Call letters	Location	Power (kw.)	Antenna	Schedule	Class	Probable date to commence operation
OJEM....	Edmundston, New Brunswick (assignment of call letters).	570 kilocycles 1				
VOWR....	St. John's Newfoundland (PO: 0.5 kw., 700 kc., DA-N).	800 kilocycles 1	ND	U	II	Oct. 23, 1954
OJAD....	Montreal, Quebec (PO: 5 kw.)	10	DA-1	U	II	Do.
NEW....	Brampton, Ontario	1020 kilocycles 0.25	ND	D	II	Do.
NEW....	Eastview, Ontario	1240 kilocycles 0.25	DA-1	U	IV	Do.
NEW....	Three Rivers, Quebec	1320 kilocycles 1	DA-1	U	III	Do.
OKOM....	Saskatoon, Saskatchewan (PO: 0.25 kw., 1340 kc., ND U IV).	1420 kilocycles 5	DA-N	U	III-A	Do.
NEW....	Montmagny, Quebec	1450 kilocycles 0.25	ND	U	IV	Do.

FCC NOTE: The number which identifies this list appears to be in error inasmuch as the previous list, dated October 7, 1953, carried the same number.

[SEAL]

FEDERAL COMMUNICATIONS COMMISSION,
WM. P. MASSING,
Acting Secretary.

[F. R. Doc. 53-9907; Filed, Nov. 24, 1953; 8:53 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 70-3135]

WORCESTER COUNTY ELECTRIC CO.

SUPPLEMENTAL ORDER REGARDING SALE OF PREFERRED STOCK

NOVEMBER 19, 1953.

The Commission, by order dated November 5, 1953, having granted and permitted to become effective the application-declaration of Worcester County Electric Company ("Worcester County"), a public-utility subsidiary company of New England Electric System, a registered holding company, proposing the issuance and sale by Worcester County of 75,000 shares, ... Percent Series, \$100 par value cumulative preferred stock subject to reservations of jurisdiction with respect to the results of competitive bidding under Rule U-50 and the fees and expenses to be incurred in connection with the proposed transaction; and

Worcester County having on November 19, 1953, filed a further amendment to its application-declaration herein setting forth the action taken by it to comply with the requirements of Rule U-50, and stating that, pursuant to the invitation for competitive bids, the following bids have been received:

Group headed by—	Annual dividend rate (dollars per share)	Price to Company (dollars per share) ¹	Annual cost to Company (percent)
Lehman Bros.	4.44	100.509	4.4175
Harriman Ripley & Co., Inc.	4.45	100.27	4.4579
Kidder, Peabody & Co.	4.50	100.60	4.5323
Blyth & Co., Inc.			
White, Weld & Co.			
Union Securities Corp. and Merrill Lynch, Pierce, Fenner & Beane.	4.60	100.453	4.5770

¹Exclusive of accrued dividends from November 15, 1953.

The amendment having further stated that Worcester County has accepted the bid of the group headed by Lehman Brothers, as set forth above, and that the preferred stock will be reoffered to the public at a price of \$102.068 per share, plus accrued dividends from November 18, 1953, resulting in an underwriting spread of \$1.559 per share or an aggregate of \$116,925; and

The record having been completed with respect to the fees and expenses to be incurred in connection with the proposed transactions, and it appearing that such fees and expenses are estimated in the aggregate amount of \$48,700 as follows:

Fee for registration of the preferred stock under the Securities Act of 1933	\$780
Federal original issue stamp tax	8,250
Massachusetts state filing fee	3,750
Services of New England Power Co. (an affiliated service company) performed at cost	17,000
Printing costs of the registration statement, prospectus, exhibits and other related documents	11,000
Printing of the preferred stock certificates in definitive form	1,000
Services of Lybrand, Ross Bros. & Montgomery, independent public accountants	1,200
Services of the transfer agent and registrar with reference to the registration and issue of preferred stock certificates	2,000
Mailing costs, advertising public invitation for bids, filing fees and qualification under Blue Sky Laws, and miscellaneous (including provision for reimbursement of out-of-pocket expenses in connection with the services described above)	3,720
Total	48,700

It also appearing that the fee and expenses of Choate, Hall & Stewart, independent counsel for the purchasers of the new preferred stock, which are to be paid by said purchasers, are estimated at \$6,000 and \$500, respectively; and

The Commission having examined the record in the light of said amendment, and observing no basis for imposing terms and conditions with respect to the price to be received for said preferred stock, the dividend rate and the underwriters' spread and it appearing to the Commission that the above fees and expenses are not unreasonable if they do not exceed the amounts estimated, and it appearing to the Commission that jurisdiction heretofore reserved over the results of competitive bidding and over all fees and expenses be released:

It is ordered, That jurisdiction heretofore reserved to consider the results of competitive bidding with respect to the issuance and sale of the new preferred stock and over all fees and expenses to be paid in connection with the proposed sale of said stock, including the fee and expenses of counsel for the successful bidders be, and hereby is, released and that such application-declaration, as amended be granted and permitted to become effective forthwith, subject, however, to the terms and conditions prescribed by Rule U-24.

By the Commission.

[SEAL] ORVAL L. DuBOIS,
Secretary.

[F. R. Doc. 53-9885; Filed, Nov. 24, 1953;
8:49 a. m.]

[File No. 70-3143]

MISSOURI POWER & LIGHT CO.

ORDER PERMITTING DECLARATION REGARDING ISSUANCE OF SHORT-TERM NOTE TO BE- COME EFFECTIVE

NOVEMBER 19, 1953.

Missouri Power & Light Company ("Missouri") a public utility subsidiary company of Union Electric Company of Missouri, a registered holding company, having filed a declaration pursuant to section 7 of the Public Utility Holding Company Act of 1935 ("act") with this Commission with respect to a proposed transaction which is summarized below:

On September 21, 1953, Missouri entered into a conditional agreement with The Chase National Bank of the City of New York whereby said bank agreed to make an unsecured loan to Missouri in the principal amount of \$2,800,000 on December 10, 1953. The proceeds of the proposed loan will be used by Missouri to pay notes to be outstanding and maturing on December 10, 1953 in that amount. The notes to be then paid by Missouri were authorized by the order of this Commission dated December 8, 1952. The proposed loan will be evidenced by an unsecured promissory note for \$2,800,000 which will mature on September 10, 1954, and will bear interest until maturity or prior payment at the rate of 3¼ percent per annum or at the prime commercial rate of interest of The Chase National Bank of the City of New York for such paper at the time of the borrowing, whichever is higher. The interest will be payable on June 10, 1954, and at maturity. Missouri intends subsequently to fund the proposed loan through the issue and sale of stock,

mortgage bonds or other form of permanent financing.

The declaration states that no State or Federal Commission, other than this Commission, has jurisdiction over the proposed transaction.

Fees and expenses are estimated at \$1,250, including counsel fees of \$500:

Due notice having been given of the filing of the declaration, and a hearing not having been requested of or ordered by the Commission; and the Commission finding that the applicable provisions of the act and rules promulgated thereunder are satisfied and that no adverse findings are necessary, and deeming it appropriate in the public interest and the interest of investors and consumers that said declaration be permitted to become effective:

It is ordered, Pursuant to Rule U-23 and the applicable provisions of said Act, that said declaration be, and hereby is, permitted to become effective forthwith, subject to the terms and conditions prescribed in Rule U-24.

By the Commission.

[SEAL] ORVAL L. DuBOIS,
Secretary.

[F. R. Doc. 53-9886; Filed, Nov. 24, 1953;
8:49 a. m.]

FEDERAL POWER COMMISSION

[Docket Nos. G-1806, G-2054]

ATLANTIC SEABOARD CORP. AND VIRGINIA
GAS TRANSMISSION CORP.

ORDER RECONVENING HEARING

On July 28, 1953, following the presentation of their case-in-chief by Atlantic Seaboard Corporation and Virginia Gas Transmission Corporation, the hearings in the above-named proceedings were recessed pending further order of the Commission, to allow time for preparation of cross-examination, as contemplated by the order issued June 8, 1953, setting these matters for hearing. Counsel for the companies also indicated that a recess was desirable to await the decision in the proceedings entitled *In the Matter of United Fuel Gas Company*, Docket Nos. G-1781 and G-2055, in order to study the effect of such decision on these proceedings. Opinion No. 258 in Docket Nos. G-1781 and G-2055 was issued August 7, 1953.

The Commission finds: It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that the public hearing in the above proceedings be reconvened at the time and place hereinafter ordered.

The Commission orders:

(A) The public hearing in the above consolidated proceedings, concerning the lawfulness of the rates, charges, classifications and services, and the rules, regulations, practices and contracts relating thereto, contained in Atlantic Seaboard Corporation's FPC Gas Tariffs, Fourth and Fifth Revised Volume No. 1, and Virginia Gas Transmission Corporation's FPC Gas Tariffs, Second and Third Revised Volume No. 1, hereby is reconvened commencing January 11, 1954, at 10:00 a. m., e. s. t., in the Hear-

ing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C.

(B) The public hearing hereby reconvened shall be subject to the provisions of the order issued June 8, 1953 in these dockets, as applicable.

Adopted: November 18, 1953.

Issued: November 19, 1953.

By the Commission.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 53-9883; Filed, Nov. 24, 1953;
8:47 a. m.]

[Docket No. G-2315]

NEW YORK STATE NATURAL GAS CORP.

ORDER SUSPENDING PROPOSED TARIFF CHANGES, FIXING DATE OF HEARING AND SPECIFYING PROCEDURE

On October 21, 1953, New York State Natural Gas Corporation (Applicant), pursuant to section 4 of the Natural Gas Act and the Commission's general rules and regulations, particularly Part 164 thereof (18 CFR Part 154), tendered for filing its proposed FPC Gas Tariff, First Revised Volume No. 1, to supersede its Original Volume No. 1 thereof, and its proposed Second Revised Sheet No. 14 and First Revised Sheet No. 20 to its FPC Gas Tariff, Original Volume No. 2, with a proposed effective date of November 21, 1953, and containing proposed changes in form of rates and increased rates and charges for sales by Applicant of natural gas in interstate commerce for resale for ultimate public consumption, subject to the Commission's jurisdiction. These proposed tariff changes involve an estimated annual increase in Applicant's rates and charges for natural gas sold to its utility customers of approximately \$5,305,831, based on estimated sales for the calendar year 1953. The distribution of such increase among Applicant's customers is shown below.

This rate increase proposal is in addition to Applicant's proposal, which was filed on January 15, 1953, suspended by the Commission's order issued February 12, 1953, and made effective as of July 15, 1953, under bond and subject to refund, pursuant to the Commission's order issued August 13, 1953, in the *Matter of New York State Natural Gas Corporation*, Docket No. G-2119, involving an estimated annual increase of approximately \$3,741,000, based on estimated sales for the year ending February 14, 1954. Pursuant to an order of the Commission issued October 16, 1953, a public hearing was convened on November 16, 1953 concerning the lawfulness of the increased rates and other tariff changes proposed in Docket No. G-2119.

Applicant bases its proposed increase in rates and charges upon, among other things, a claimed increase in the cost of gas purchased from Tennessee Gas Transmission Company (TGT) and from Hope Natural Gas Company (Hope), resulting from proposed increased rates filed by TGT on August 31, 1953, and by Hope on October 9, 1953. The Commission has, however, suspended TGT's and

Hope's proposed increased rates and has ordered hearings thereon to commence on February 8, 1954 and March 9, 1954, respectively. Order issued September 24, 1953, in the Matter of Tennessee Gas Transmission Company, Docket No. G-2252, and order issued November 6, 1953, in the Matter of Hope Natural Gas Company, Docket No. G-2303. Applicant also relies upon other claimed increases in its cost of service including, among other things, a rate of return of 6¾ percent and income taxes associated with the return computed at such rate upon its claimed rate base.

Applicant proposes, in addition to the higher rates and charges referred to, other major tariff changes involving, among other things, abandonment of its rate zones and changing from straight line and block commodity rates to demand and commodity rates. Applicant bases its proposed change from zone rates to system-wide rates upon, among other things, alleged changes in its system operations, viz., the purchase of its gas supplies at various points throughout its system instead of at the Pennsylvania-West Virginia boundary line, the point of input in its system of practically all its gas heretofore.

Copies of the aforesaid tariff changes tendered by Applicant on October 21, 1953, and the supporting data submitted by it to the Commission, have been served upon all of Applicant's resale customers as well as interested regulatory agencies, as required by the Commission's general rules and regulations. All such customers and agencies were invited to submit comments with respect to such proposed tariff changes. In response, there have been received several objections and requests for hearing upon the tariff changes in question. In general the comments filed object to the proposed tariff changes with the exception of Applicant's two affiliated customer companies and the Pennsylvania Public Utility Commission which advised they had no comments at this time.

Upon consideration of the aforesaid proposed tariff changes tendered for filing on October 21, 1953, the data tendered in support thereof, the comments and objections filed with respect to the proposed tariff changes, and the Commission's orders heretofore issued in Docket Nos. G-2252 and G-2303 with respect to the increased rates and charges proposed by TGT and Hope, of which orders official notice is hereby taken, it appears that the increased rates and other tariff changes proposed by Applicant in its tendered filing have not been shown to be justified and may be unjust, unreasonable, and otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest, to aid in the enforcement of the provisions of the Natural Gas Act, that the Commission enter upon a hearing, as hereinafter ordered, pursuant to authority contained in section 4 of the act, concerning the lawfulness of the rates, charges, classifications, and services, or any of them, contained in New York State Natural Gas Corporation's FPC Gas Tariff, Original Volume No. 1, as proposed to be amended and superseded by its First Re-

vised Volume No. 1 thereto, and as contained in its Original Volume No. 2 thereof, as proposed to be amended by Second Revised Sheet No. 14 and First Revised Sheet No. 20 thereto; and further that said First Revised Volume No. 1 and Second Revised Sheet No. 14 and First Revised Sheet No. 20 be suspended as hereinafter provided and the use thereof be deferred pending hearing and decision thereon.

The Commission orders:

(A) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 4, 15 and 16 of the Natural Gas Act, and the Commission's general rules and regulations, including rules of practice and procedure (18 CFR Part I) a public hearing be held commencing on March 23, 1954, at 10:00 a. m., e. s. t., in the Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the lawfulness of the rates, charges, classifications, and services, or any of them, contained in New York State Natural Gas Corporation's FPC Gas Tariff, Original Volume No. 1, as proposed to be amended and superseded by First Revised Volume No. 1 thereto, and as contained in its Original Volume No. 2 thereof, as proposed to be amended by Second Revised Sheet No. 14 and First Revised Sheet No. 20 thereto.

(B) Pending such hearing and decision thereon, New York State Natural

Gas Corporation's First Revised Volume No. 1 and Second Revised Sheet No. 14 and First Revised Sheet No. 20 to Original Volume No. 2 of its FPC Gas Tariff, be and the same are hereby suspended and the use thereof deferred until April 21, 1954, unless otherwise ordered by the Commission, and until such further time thereafter as the said proposed First Revised Volume No. 1 and Second Revised Sheet No. 14 and First Revised Sheet No. 20 to Original Volume No. 2 may be made effective in the manner prescribed by the Natural Gas Act.

(C) At the hearing, the parties, including Commission Staff Counsel, may reserve cross examination until after New York State Natural Gas Corporation has presented and completed its case-in-chief.

(D) New York State Natural Gas Corporation, on or before February 23, 1954, shall serve upon all parties copies of the testimony and exhibits it proposes to offer at the hearing, including five (5) copies upon Commission Staff Counsel.

(E) Interested State commissions may participate, as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f))

Adopted: November 18, 1953.

Issued: November 19, 1953.

By the Commission.

[SEAL] LEON M. FUQUAY,
Secretary.

NEW YORK STATE NATURAL GAS CORPORATION

JURISDICTIONAL SALES AND DISTRIBUTION OF INCREASE FOR THE 12 MONTHS ENDING JULY 31, 1953—ADJUSTED

Customer	Proposed rate schedule	Annual volumes (Mcf)	Revenues		Increase	
			Present (under bond)	Proposed	Amount	Percent
GENERAL SYSTEM SALES						
Niagara Mohawk Power Corp.....	CR	28,393,633	\$13,891,119	\$15,253,804	\$1,362,684	11.5
New York State Electric & Gas Corp.....	CR	7,016,668	3,044,042	3,825,480	780,438	25.6
Rochester Gas & Electric Corp.....	CR	9,558,429	4,316,213	4,663,175	346,962	18.0
National Fuel Group ¹	CR	1,917,152	622,414	1,234,835	312,471	33.9
Fillmore Gas Co.....	CR	169,630	52,027	58,876	6,849	13.2
Producers Gas Co.....	CR	1,063,633	512,856	660,410	47,554	9.3
Southern Tier Gas Corp.....	CR	244,668	119,631	137,454	18,433	15.5
Pavilion Natural Gas Co.....	CR	917,314	443,229	526,470	83,241	18.8
Empire Gas & Fuel Co., Ltd.....	CR	1,159,433	568,750	816,163	247,323	43.5
Woodhull Municipal Gas Co.....	CR	29,234	14,733	17,477	2,744	18.6
Corning Natural Gas Corp.....	CQ	732,210	355,620	420,500	64,700	23.2
National Fuel Group ²	CQ	12,278,059	4,638,612	5,763,686	714,694	14.3
North Penn Gas Co.....	CQ	5,233,830	2,283,660	2,616,697	463,137	19.5
Empire Gas & Fuel Co., Pennsylvania.....	CQ	1,034,153	439,663	462,757	23,754	5.4
Hanley & Bird.....	CQ	322,701	122,143	175,517	53,374	43.7
Peoples Natural Gas Co.....	I	180,104	68,619	81,047	12,428	18.1
Subtotal.....		70,137,750	32,067,232	37,014,183	4,946,956	15.4
SALES FROM STORAGE POOL						
Peoples Natural Gas Co.....	OSS	14,535,621	8,018,659	8,497,654	333,875	4.5
East Ohio Gas Co.....						
Total.....		84,723,277	40,115,621	45,421,842	5,303,851	13.2

¹ Penn York Natural Gas Corp., Angelica, N. Y., Republic Light, Heat & Power Co., Inc., Caledonia, N. Y., Iroquois Gas Corp., Danville, N. Y.
² Iroquois Gas Corp., Silver Spring, N. Y., Penn York Natural Gas Corp., Mills, Pa.; Pennsylvania Gas Co., Allegheny Forest, Pa., United Natural Gas Corp., Echbough, Pa.

[F. R. Doc. 53-9882; Filed, Nov. 24, 1953; 8:47 a. m.]

[Docket No. G-2293]

ALGONQUIN GAS TRANSMISSION CO.

ORDER FIXING DATE OF HEARING

Algonquin Gas Transmission Company (Applicant), a Delaware corporation, with its principal place of business

in Boston, Massachusetts, on October 26, 1953, filed an application for a certificate of public convenience and necessity, pursuant to section 7 of the Natural Gas Act, authorizing the construction and operation of 40 feet of 2½-inch pipeline connecting its Fall River Lateral line

with a proposed metering station at Tiverton, Rhode Island, together with regulating and measuring facilities, for the transportation of natural gas subject to the jurisdiction of the Commission, as described in the application on file with the Commission, and open to public inspection.

The Commission finds: This proceeding is a proper one for disposition under the provisions of § 1.32 (b) (18 CFR 1.32 (b)) of the Commission's rules of practice and procedure, Applicant having requested that its application be heard under the shortened procedure provided by the aforesaid rule for non-contested proceedings, and no request to be heard, protest or petition having been filed subsequent to the giving of due notice of the filing of the application including publication in the Federal Register on November 7, 1953 (18 F. R. 7046)

The Commission orders:

(A) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing be held on December 3, 1953, at 9:30 a. m., e. s. t., in the Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by the application: *Provided, however,* That the Commission may, after a noncontested hearing, forthwith dispose of the proceedings pursuant to the provisions of § 1.32 (b) of the Commission's rules of practice and procedure.

(B) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) (18 CFR 1.8 and 1.37 (f)) of the said rules of practice and procedure.

Adopted: November 18, 1953.

Issued: November 19, 1953.

By the Commission.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 53-9884; Filed, Nov. 24, 1953;
8:48 a. m.]

INTERSTATE COMMERCE COMMISSION

[4th Sec. Application 28666]

WOODPULP FROM NATCHEZ, MISS., TO
COOSA PINE, ALA.

APPLICATION FOR RELIEF

NOVEMBER 20, 1953.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by R. E. Boyle, Jr., Agent, for carriers parties to schedule listed below.

Commodities involved: Woodpulp, carloads.

From: Natchez, Miss.

To: Coosa Pines, Ala.

Grounds for relief: Competition with rail carriers, and circuitous routes.

Schedules filed containing proposed rates: C. A. Spaninger, Agent, I. C. C. No. 1260, supp. 51.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD,
Secretary.

[F. R. Doc. 53-9888; Filed, Nov. 24, 1953;
8:50 a. m.]

[4th Sec. Application 28667]

VARIOUS COMMODITIES BETWEEN PERKINS,
W VA., AND POINTS IN THE UNITED
STATES

APPLICATION FOR RELIEF

NOVEMBER 20, 1953.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by H. R. Hinsch, Alternate Agent, for carriers parties to Agent C. W. Bon's tariff I. C. C. No. A-800 and other tariffs.

Commodities involved: Various commodities.

Between: Perkins, W Va., and points in the United States.

Grounds for relief: Competition with rail carriers, circuitous routes, and to maintain grouping.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the

application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD,
Secretary.

[F. R. Doc. 53-9889; Filed, Nov. 24, 1953;
8:51 a. m.]

[4th Sec. Application 28668]

SLAG FROM MT. PLEASANT, TENN., TO MIS-
SOURI, OKLAHOMA AND TEXAS

APPLICATION FOR RELIEF

NOVEMBER 20, 1953.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by F. C. Kratzmeir, Agent, for carriers parties to schedule listed below. Commodities involved: Slag, in carloads.

From: Mt. Pleasant, Tenn.

To: Joplin, Mo., Tulsa and Sand Springs, Okla., and Temple, Texas.

Grounds for relief: Rail competition, circuitry, to maintain grouping, and to apply rates constructed on the basis of the short line distance formula.

Schedules filed containing proposed rates: F. C. Kratzmeir, Agent, I. C. C. No. 3736, supp. 236.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD,
Secretary.

[F. R. Doc. 53-9890; Filed, Nov. 24, 1953;
8:51 a. m.]